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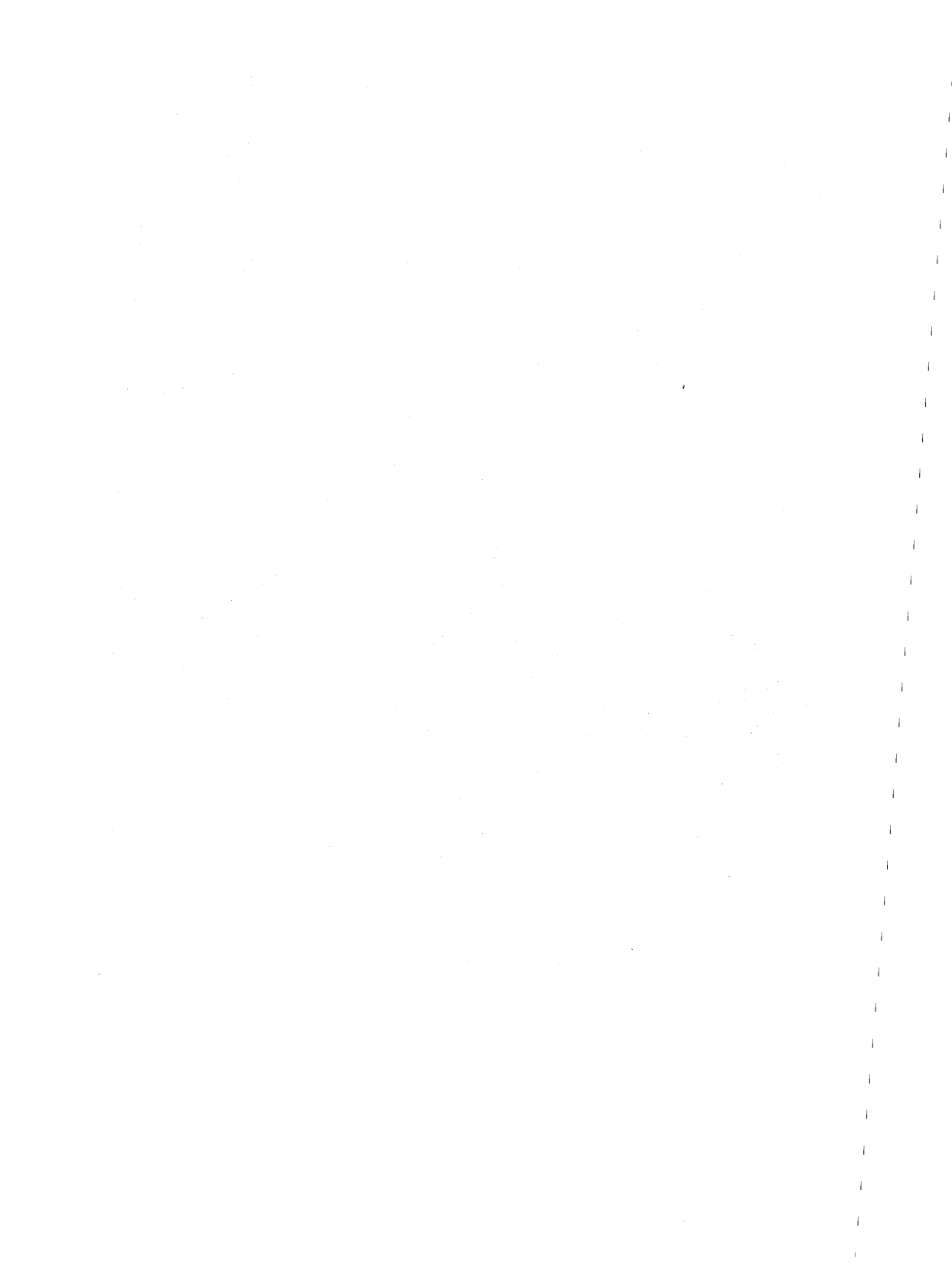
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by
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LEGISLATURE

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Dist.	Name	Address	Occupation	Counties
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3	Orval A. Keyes	Springfield	Farmer.	Sarpy
4	Larry D. Stoney	Omaha	Insurance	Douglas*
5	Eugene T. Mahoney	Omaha	Public Relations, Insurance	Douglas*
6	Harold T. Moylan	Omaha	Real Estate Broker	Douglas*
7	William R. Skarda	Omaha	Public Relations, Insurance.	Douglas*
8	Warren R. Swigart	Omaha	Real Estate	Douglas*
9	John J. Cavanaugh, III.	Omaha	Attorney	Douglas*
10	John S. Savage	Omaha	Ret. Newsman	Douglas*
11	Ernest Chambers	Omaha	Barber	Douglas*
12	Gerald D. Koch	Ralston	Education.	Douglas*
13	George Syas	Omaha	Machinest.	Douglas*
14	Tom Fitzgerald	Omaha	Ret. Letter Carrier	Douglas*
15	E. Thome Johnson	Fremont.	Farmer & Businessman	Dodge*
16	Walter George	Blair	College Professor	Burt, Cuming*, Thurston, Washington
17	John R. Murphy.	So. Sioux City.	Plumbing Contractor.	Dakota, Dixon, Wayne*
18	William H. Hasebroock	West Point.	Merchant.	Colfax, Cuming*, Dodge*, Stanton
19	Jules W. Burbach	Hartington.	Farmer, Grain & Feed Dealer	Cedar, Knox, Pierce*, Wayne*
20	Glenn A. Goodrich	Omaha	Real Estate Developer	Douglas*

MEMBERS

Dist.	Name	Address	Occupation	Counties
21	Thomas C. Kennedy	Newman Grove	Farmer, Grain, Livestock	Madison, Pierce*
22	Donald N. Dworak	Columbus	Insurance Agent	Boone*, Nance, Platte*
23	Loran Schmit	Bellwood	Farmer	Butler, Platte*, Polk*, Saunders*
24	Douglas K. Bereuter	Utica	Planning & Gov. Affrs. Conslt	Polk*, Seward, York
25	Jerome Warner	Waverly	Livestock, Farmer	Cass*, Johnson*, Lancaster*, Otoe*, Saunders*
26	Wally Barnett, Jr.	Lincoln	Salesman	Lancaster*
27	Steve Fowler	Lincoln	State Senator	Lancaster*
28	Roland A. Luedtke	Lincoln	Lawyer	Lancaster*
29	Shirley Marsh	Lincoln	Social Work & Homemaker	Lancaster*
30	George W. Burrows	Adams	Farmer	Gage*, Jefferson*, Saline*
31	James A. Dickinson	Millard	Farmer & Feeder	Douglas*
32	Richard Maresh	Milligan	Farmer	Fillmore, Jefferson*, Saline*, Thayer
33	Richard D. Marvel	Hastings	Professor	Adams
34	Maurice A. Kremer	Aurora	Farmer & Businessman	Clay, Hamilton, Merrick, Nuckolls*, Polk*
35	Ralph D. Kelly	Grand Island	Business	Hall*
36	Ron Cope	Kearney	Farm Interests & Ex-Businessman	Buffalo*, Hall
37	Gary L. Anderson	Axtell	Writer	Buffalo*, Franklin, Kearney, Nuckolls*, Webster
38	Richard Lewis	Holbrook	Stockman	Frontier, Furnas, Gosper, Harlan, Hayes*, Red Willow
39	Herbert J. Duis	Gothenburg	Real Estate, Insurance	Buffalo*, Dawson, Phelps
40	John W. DeCamp	Neligh	Attorney & Businessman	Antelope, Boone*, Boyd, Holt

MEMBERS

Dist.	Name	Address	Occupation	Counties
41	Dennis L. Rasmussen	Scotia	Farmer & Rancher	Custer*, Garfield, Greeley, Hall*, Howard, Loup, Sherman, Valley, Wheeler
42	Myron Rumery	North Platte	Ret. UN No. Platte Stn Staff	Custer*, Lincoln
43	Otho Kime	Valentine	Rancher	Blaine, Brown, Cherry, Custer*, Hooker, Keya Paha, Logan, McPherson, Rock, Thomas
44	Jack D. Mills	Big Springs	Grain & Fertilizer Dealer	Arthur, Chase, Deuel, Dundy, Garden, Hayes*, Hitchcock, Keith, Perkins
45	Frank Lewis	Bellevue	Teacher	Sarpy*
46	Harold D. Simpson	Lincoln	Milling Employee	Lancaster*
47	Robert L. Clark	Sidney	Merchant	Banner, Cheyenne, Kimball, Morrill, Scotts Bluff*
48	William E. Nichol	Scottsbluff	Credit Bureau	Scotts Bluff*
49	Leslie A. Stull	Alliance	Farmer	Box Butte, Dawes, Sheridan, Sioux, Grant

* Counties divided into two or more districts.

Clerk

Vincent D. BrownLincoln

RULES OF THE NEBRASKA UNICAMERAL

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RULE 1—OFFICERS AND EMPLOYEES

A. Election of Officers

Section 1. Officers To Be Elected. At the commencement of each regular session in odd-numbered years the Legislature shall nominate from the floor and elect by secret ballot the following officers:

Speaker
Chairman of Committee on Committees
Chairman of Executive Board
Vice-Chairman of Executive Board
6 Members of Executive Board (See footnote)

Before the ballot is taken each person so nominated may make a public statement to the Legislature indicating what the Legislature may expect from him or her in the area of the responsibility of such office. The officers so elected shall hold such office for a period of two years.

The Legislature elects two from legislative districts Nos. 1, 2, 15, 16, 23 through 30, 32 through 35, and 46; two from legislative districts Nos. 3 through 14, 20, 31, and 45; and two from legislative districts Nos. 17 through 19, 21, 22, 36 through 44, and 47 through 49. Speaker is member of Board; Chairman of Appropriations is nonvoting member; RRS 50-401.01.

Sec. 2. Officers To Be Approved. In addition, the Legislature shall advise and consent to the recommendations of the Executive Board of the Legislative Council for the following officers:

Chief Clerk of the Legislature
Assistant Clerk of the Legislature
Sergeant at Arms
Chaplain

Officers and employees recommended by the Executive Board, RRS 50-111.

Sec. 3. Voting on and Removal of Officers. (a) A majority vote of the elected members shall be required for the election of all officers of the Legislature. All officers shall hold their office until a successor is chosen or they are removed.

RULE 1

(b) Any officer of the Legislature may be recalled upon a two-thirds majority vote of the members elected to the Legislature provided no such recall shall be voted on until five legislative days after the motion to do so is placed in the Journal. The vacancy thus created shall be filled by a majority vote of the members.

Sec. 4. Officer's Oath. Each permanent officer shall take an oath to support the Constitution of the United States, and the Constitution of the State of Nebraska, and to discharge faithfully the duties of his office according to the best of his ability.

B. Presiding Officer

Sec. 5. President of Legislature. The Lieutenant Governor shall preside as President of the Legislature. The Speaker shall serve as acting President and preside when the Lieutenant Governor shall be absent, incapacitated, or shall be acting as Governor. All references herein made to the President shall be construed as meaning also the Speaker whenever he may preside.

Prohibited from presiding when acting as Governor. Const. Art. III, Sec. 10.

Duties and powers. RRS 50-113.

Sec. 6. Presiding Officer, Order in Designating. In the absence of both the Lieutenant Governor and the Speaker, the order of the presiding officer of the Legislature shall be as follows:

Chairman of the Legislative Council
Chairman of the Committee on Committees
Chairman of Committee on Judiciary
Chairman of Committee on Government, Military and
Veterans Affairs
Chairman of Committee on Appropriations
Chairman of Committee on Revenue
Chairman of Committee on Education
Chairman of Committee on Banking, Commerce and
Insurance
Chairman of Committee on Public Works
Chairman of Committee on Agriculture and Environment
Chairman of Committee on Public Health and Welfare
Chairman of Committee on Miscellaneous Subjects
Chairman of Committee on Labor
(Cont.)

RULE 1

Chairman of Committee on Urban Affairs Chairman of Committee on Constitutional Revision and Recreation

Emergency Succession RRS 50-503 (7)

Sec. 7. Powers of Presiding Officer, Restrictions. All the powers herein conferred on the President shall be exercised by the presiding officer, except the authority to sign bills or resolutions passed by the Legislature.

Const. Art. III, Sec. 14.

Addressing the Chair. Rule 2, Sec. 7.

Duties RRS 50-113.

Sec. 8. Alternate Presiding Officers. The President may name any member to perform the duties of the presiding officer, but such delegation shall not extend beyond adjournment. When possible the order for delegation of the presiding officer shall be as set forth in Sec. 6, supra.

Sec. 9. Convening of Legislature, Quorum. The President shall take the chair each legislative day at the hour to which the Legislature shall have adjourned at the last sitting. He shall call the Legislature to order, and a quorum being present, shall proceed in the manner and order prescribed by these rules. A majority of the members elected to the Legislature shall constitute a quorum.

Const. Art. III, Sec. 10.

Sec. 10. Absence of Quorum. If the President finds that a number less than a quorum is present, he shall so state, and a majority of the members present, if five in number, may compel the presence of all members subject to a Call of the Legislature.

Sec. 11. Order and Decorum. The President shall preserve order and decorum, and in case of disturbance or disorderly conduct in the galleries, or in the lobby, may cause the same to be cleared.

Consent to enter Chamber. Rule 2, Sec. 3.

Sec. 12. President Decide Order of Speaking. The President may speak to a point of order in preference to members, and shall decide the questions or order, subject to an appeal to the Legislature by any member, on which appeal no member may speak more than once, unless by leave of the Legislature. A majority of the elected members may overrule the Chair.

RULE 1

Sec. 13. Signing of Bills and Resolutions. The President shall sign, in the presence of the Legislature, while the same is in session and capable of transacting business all bills and resolutions passed by the Legislature. All writs, warrants, and subpoenas issued by order of the Legislature shall be under his hand and seal, and attested to by the Clerk.

Only Lieutenant Governor or Speaker may sign bills. Const. Art. III, Sec. 14.

Sec. 14. Lieutenant Governor Voting When. The Lieutenant Governor, when presiding, shall vote only when the Legislature is equally divided.

Const. Art. III, Sec. 10.

C. Speaker

Sec. 15. Speaker, Presiding, Privilege. The Speaker shall preside over the Legislature at such times and circumstances as is above set forth. He shall be privileged to speak at any stage of proceedings at any time incident to the duties and responsibilities of his office.

Distribution of material by Clerk. Rule 2, Sec. 3f.

Excuse attendance at committee hearing. Rule 2, Sec. 4.

Power to refer bill back to committee. Rule 6, Sec. 2g.

Signing of bills. Const. Art. III, Sec. 14.

Sec. 16. Report Order of Bills. The Speaker with the approval of the Executive Board shall report to the Legislature the order in which bills and resolutions shall be considered on General File. His orders as approved are final unless changed by a majority vote of the elected members of the Legislature. General appropriation bills shall be given precedence over all other bills.

For motions to expedite. Rule 6, Sec. 2c.

D. Clerk of the Legislature

Sec. 17. Duties, Journal, Report on Employees. (a) The Clerk of the Legislature shall attend sessions, call the roll, and keep journal of proceedings.

(b) The Clerk of the Legislature shall print no paper or document, except bills and the daily Journal, unless authorized by a majority vote of the elected members of the Legislature, or by the Executive Board.

Preprinting of Bills. Rule 5, Sec. 3.

(c) The Clerk of the Legislature shall make a detailed and itemized report to the Legislature each month concerning the number of employees and the amount paid for their services, especially setting out the amount of regular time and overtime, and to whom paid.

(d) The Clerk of the Legislature shall have general charge, except as may be provided by law or by rule, of such parts of the Capitol and its passages as are or may be set apart for the use of the Legislature and its officers and employees.

(e) No communications or letters shall be read by the Clerk of the Legislature unless authorized by the Speaker or the Reference Committee.

General Duties. RRS 50-114

Distribute material, when authorized. Rule 2, Sec. 3f.

Fiscal notes, attach to bills. Rule 5, Sec. 6d.

Lobby Registration. RRS 50-308 through 50-318.

File Administrative Rules. RRS 84-904.

Sec. 18. Journal, Governor's Messages, Amendments. (a) The Clerk shall prepare a daily Journal of the proceedings of the Legislature, which shall be printed and placed each day upon the desks of the members, and the presiding officer shall call in the regular order of business for corrections thereof. After corrections, if any are made, the Journal shall stand approved without motion.

For order. Rule 7, Sec. 1b.

(b) The clerk shall enter in the daily Journal messages of the Governor in full, titles of bills, every vote, including the yeas and nays, and a brief statement of the contents of each resolution, petition, and memorial or other paper presented for the consideration of the Legislature.

Constitutional Amendment, print in full. Const. Art. XVI. Sec. 1.

(c) The hour at which the Legislature adjourns shall be entered in the daily Journal.

(d) All amendments for which a vote is taken shall be entered in the daily Journal.

RULE 1

(e) Additional copies of the daily Journal, to be mailed at his direction shall be supplied for the use of each member in such manner as shall be provided by the Legislature.

(f) The bound Journal of the session shall be prepared from the corrected daily Journal.

(g) A verbatim record of all debate and questions on all bills and resolutions, and amendments offered thereto, shall be made, transcribed, and preserved, under the direction of the Clerk.

(h) A list of lobbyists who are registered shall be set forth in the Journal.

RRS 50-310.

On Registration of lobbyists. RRS 50-308 through 50-318.

Sec. 19. Assistant Clerk, Duties. The Assistant Clerk shall, in the absence of the Clerk, be authorized to exercise all of the duties herein prescribed for the Clerk of the Legislature, including the signing of those papers which may require the signature of the Clerk of the Legislature.

RRS 50-115

E. Other Offices

Sec. 20. Sergeant at Arms. (a) The Sergeant at Arms shall attend the Legislature during its sittings, to execute the commands of the Legislature from time to time, together with all such processes issued by authority thereof as shall be directed to him by the presiding officer, and shall enforce strictly the rules as they relate to privileges of the Legislative Chamber.

RRS 50-116

(b) The Assistant Sergeant at Arms shall assist the Sergeant at Arms and in the absence of the latter, shall perform all of the duties herein prescribed for the Sergeant at Arms.

(c) Such other security guards as may be necessary shall be under the direction of the Speaker.

Compel attendance at committee hearing. Rule 2, Sec. 4.

RULE 1

Sec. 21. Chaplain. The Chaplain shall attend and shall open with prayer each day's sitting of the Legislature.

RRS 50-120

Sec. 22. Other Employees, Hiring of. The Executive Board of the Legislative Council shall hire all employees of the Legislature except those subject to the procedure in Rule 1, Sec. 2. The salaries of permanent employees shall be determined by the Executive Board subject to the limits of the appropriation bill. The Executive Board shall submit a salary schedule the first day of each session to the Legislature for all temporary employee positions. Such salary schedule shall be considered adopted unless rejected or amended by a majority of the elected members. No further adjustments in individual salaries for temporary employees need to be submitted to the Legislature for that session.

RRS 50-112

RULE 2—RULES OF PROCEDURE

Section 1. Rules, Matters Not Covered. These rules shall govern the Legislature. In all matters not covered herein, the Legislature shall decide as to the procedure to be followed, the same to require the concurrence of a majority of the elected members.

Overruling the Chair. Rule 1, Sec. 12.

Presiding officer, duties. RRS 50-113.

Sec. 2. Rules, Suspension, Amendment. These rules may only be suspended by a three-fifths majority of the elected members by a machine vote, and may be amended by a three-fifths majority vote of the members elected; Provided, any proposed amendment must first be referred to the committee on Rules for consideration and report.

Sec. 3. Chamber, Guests, Distributions of Material. (a) The Legislative Chamber shall consist of the entire floor of the Legislative Chamber including the space under the balcony on either side adjacent thereto, or any other space designated by the Legislature or the Executive Board thereof.

(b) No person shall be admitted to the floor of the Legislature, as described in this rule, except the following:

- (i) Members of the Legislature and their immediate families.
- (ii) Officers and employees of the Legislature.
- (iii) Reporters of regularly accredited newspapers and broadcasting stations.

(c) The Governor, state officers, former legislators, and other distinguished visitors may be admitted to the floor upon permission from the Chair.

State officials appearing before committees. Rule 3, Sec. 6.

(d) No one shall be permitted to be seated beside members of the Legislature except members of their immediate families upon permission from the Chair. When bills are being read on Final Reading, no one shall be permitted to be seated beside members of the Legislature.

(e) No person, other than those hereinbefore excepted, shall be admitted to the members' cloak room or post office, unless accompanied by a member.

RULE 2

(f) No printed or written material of any nature may be placed on the desks of the members or distributed to them in the Legislative Chamber, unless such material clearly indicates on its face the person responsible for its distribution. The distribution must be approved by at least one member of the Legislature. The Speaker may authorize the Clerk to distribute material prepared by state agencies.

(g) Members shall remain in their seats during the Final Reading of a bill and until the vote thereon has been announced, except when excused by the President.

Sec. 4. Attendance at Sessions. (a) Every member shall be present within the Legislative Chamber during the meetings of the Legislature and shall attend the regular meeting of the standing committee of which he is a member, unless excused by the Legislature, the Speaker, or the committee chairman. Members who have been excused by the Legislature or the Speaker shall notify their committee chairman that they will be absent.

(b) The presence of any member may be compelled, if necessary, by sending the Sergeant at Arms, or such other person or persons as the membership present may authorize, at the expense of such absent member, unless such excuse for nonattendance is made as the Legislature may judge sufficient, and in that case the expense shall be paid out of the contingent fund.

Sec. 5. Absent Members, Explanation of Vote. Absent members may have inserted into the Journal how he would have voted had he been present.

Sec. 6. Expulsion of Members. No member shall be expelled except by a vote of two-thirds of all members elected to the Legislature, and no member shall be twice expelled for the same offense.

Const. Art. III, Sec. 10.

Sec. 7. Senator Desiring to Speak. (a) When a member desires to speak in debate or to deliver any matter to the Legislature, he shall rise from his seat and respectfully address himself to "Mr. President." A member shall speak only when recognized and shall confine himself to the question before the Legislature.

(b) No member shall interrupt the business of the Legislature nor speak to another who has the floor, except when he may yield to a question. No guest will be introduced during the legislative session except dignitaries

RULE 2

and such dignitaries shall only be introduced by the presiding officer, provided that the presiding officer can announce the presence of visiting groups or organizations at his discretion. Those individuals and groups not introduced may be inserted in the Journal by request. No member shall use profane or abusive language when speaking to or about another member.

Sec. 8. Transgression of Rules, Call Member to Order. If any member, in speaking or otherwise, transgresses the rules of the Legislature, the presiding officer shall, or any member may, call him to order, in which case he shall immediately sit down, unless permitted on motion of another member to explain, and the Legislature shall, if appealed to, decide the case without debate. If the decision be in favor of the member called to order, he shall be at liberty to proceed, but not otherwise, and if the case requires it, he shall be liable to censure or such punishment as the Legislature may deem proper.

Sec. 9. Words Excepted To. If a member is called to order for words spoken in debate, the member calling him to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the Legislature, but he shall not be held to answer, nor be subject to the censure of the Legislature therefore, if further debate or other business shall have intervened.

Sec. 10. Time Limit on Speaking. No member shall speak more than twice, nor for more than ten minutes on each occasion, upon any one question in debate during the same legislative day, without leave of the Legislature, except in explanation, unless he be the mover, proposer, or introducer of the matter pending, in which case he shall be permitted to speak in reply, but not until every other member choosing to speak shall have spoken.

Sec. 11. Personal Privilege. Personal privilege shall be, first, those affecting the rights, dignity, and integrity of the Legislature collectively; and second, the rights, reputation, and conduct of members individually. They shall have precedence over all other questions except motions to adjourn. Personal privilege shall not be used to permit any discussion or debate pertaining to any measure pending before the Legislature. All questions of privilege shall be channeled through the presiding officer, who shall determine their order of consideration.

RULE 3—COMMITTEES

Section 1. Standing Committees Defined. All committees with regular meeting times shall be identified as standing committees. The membership of all standing committees shall be appointed at the beginning of each session beginning in odd-numbered years and shall continue until the regular session in the next subsequent odd-numbered year.

Sec. 2. Standing Committees, Permanent. The standing committees and the number of members shall be as follows:

Agriculture and Environment	8 members
Appropriations	9 members
Banking, Commerce and Insurance	8 members
Constitutional Revision and Recreation	7 members
Education	8 members
Government, Military and Veterans Affairs	8 members
Judiciary	8 members
Labor	7 members
Miscellaneous Subjects	8 members
Public Health and Welfare	7 members
Public Works	8 members
Revenue	8 members
Urban Affairs	8 members

The Speaker shall not be a regular member of any standing committee.

All committee members shall be nominated by the Committee on Committees in such manner as is hereafter set forth.

Committee on Committees. Rule 3, Sec. 17.

Budget—Governor's Bill, Introduction. Rule 5, Sec. 7.

Chairman, Appropriations Committee, Member Executive Board. RRS 50-401.01

Government Committee—Review Civil Defense program. RRS 50-127

Sec. 3. Chairman, Vice-Chairman. (a) The Chairman of each committee shall be selected by secret ballot on the floor of the Legislature.

(b) Each standing committee shall elect from its membership a vice-chairman to serve in the absence of the chairman.

RULE 3

Sec. 4. Meeting Times. Standing committees shall meet at 2:00 p.m., unless otherwise ordered by the Legislature. Any committee chairman before deciding not to hold committee meetings or a committee meeting on an assigned day, must receive permission from the Reference Committee.

Reference Committee. Rule 3, Sec. 19.

Excuse from attendance. Rule 2, Sec. 4.

Sec. 5. Public Hearing, Notice. Before taking final action on a bill or resolution, a committee shall hold a public hearing thereon and shall give at least seven calendar days' notice, after the bill shall have been printed, by publication in the Legislative Journal, of the date and time of said hearings. No bill, having been set for public hearing, shall be withdrawn nor the hearing canceled within seven calendar days' of the date set for said public hearing, except for hearings held during the first 20 legislative days of each session, there shall be required only five calendar days' notice of said hearing or withdrawal of said bill.

Reference of bill to committee. Rule 3, Sec. 20.

Withdrawal of bills before hearing. Rule 5, Sec. 11.

Sec. 6. State Officials Appearing Before Committees. State officials and department heads, or their designee and state employees may appear before any legislative committee.

State officials appearing on chamber floor. Rule 2, Sec. 3.

Sec. 7. Executive Sessions, Press. Executive sessions of standing committees shall be open to the news media.

Reports on votes by a committee shall be as follows:

1. The vote of an individual senator on all motions may be reported.
2. The press may report the vote of individual senators by name on any motion.

Privilege of press on floor. Rule 2, Sec. 3b iii.

RULE 3

Sec. 8. Consideration and Correlation of Bills. Standing committees shall consider and report without unnecessary delay all bills and resolutions referred to them. Standing committees shall be authorized to combine and to correlate the provisions of different bills referred to them and related to the same subject under the number of one of the correlated bills, and may, before taking final action on any bill, adopt amendments thereto, for the consideration of the Legislature.

The chairman of each committee shall take into consideration the importance, need for, and passage of the bills referred to his committee and set the bills for hearing accordingly.

Review of workload by Committee on Committees. Rule 3, Sec. 17f.

Sec. 9. Debate Before Committees. Each standing committee shall keep a record of its proceedings. Any two members of the committee may demand a roll call upon the reporting of any bill, or upon amendments thereto. The vote so taken shall be made a part of the committee report.

Sec. 10. Request From Committee, Bills Held. (a) Except for the general appropriation bills necessary for the support of the state government for the biennium, the Legislature may, by vote of a majority of the elected members, request a report from any standing committee at any time after said committee shall have been in possession of a bill or resolution for twenty legislative days.

(b) Any senator may move that a bill be placed on General File twenty days or more after the committee hearing, and by a vote of a majority of the elected members, said bill shall be placed on General File.

(c) Any time the introducer of a bill attempts to take a bill from committee to be placed on General File, the bill shall stand indefinitely postponed if the motion fails to receive a majority vote of the members elected to the Legislature.

Sec. 11. Report of Bill to Legislature. In reporting a bill to the Legislature, whether with or without amendments, a standing committee shall, by vote of a majority of its members, recommend that the bill be placed on General File or that the bill be indefinitely postponed. Such action shall be taken at regularly scheduled committee meetings only. A report on a bill or resolution must be made to the Legislature within eight calendar days after the committee has acted upon the particular measure. No bill shall be

RULE 3

reported by the committee to be placed on General File unless the amendments, if any, are approved as to form and draftsmanship by the bill drafter.

Sec. 12. Indefinitely Postponed Bills. If the standing committee report on a bill be to postpone indefinitely, the bill shall stand indefinitely postponed; Provided, that such bill may be placed on General File or referred back to the standing committee by a three-fifths vote of the elected members upon motion made within three legislative days after the committee makes its report to the Legislature, or by a two-thirds vote of the elected members upon motion made more than three legislative days after such committee report. Not more than one bill shall be raised from committee on any one motion. A motion to raise cannot be amended to include any other bill or subject matter. A motion to raise must be disposed of by the Legislature within five legislative days after the motion is available for consideration or it shall be deemed defeated.

Sec. 13. Statement of Intent. Each standing committee with the assistance of the legislative staff shall, when reporting a bill, submit therewith a brief statement of the main purpose and the provisions of the bill, and, if recommended to General File, a copy of all amendments recommended by the committee. Such statement shall give the committee's reason for so reporting. A minority view signed by whoever proposed it may also be given. Copy of amendments shall be furnished to the members. On a motion to report the bill to the floor the majority report shall reflect the voting record of each senator.

Sec. 14. Temporary Appointments. (a) When a member is unable to serve, the chairman of such committee after a majority vote of the remaining members shall request to fill such vacancy or vacancies. The request shall be made to the Committee on Committees and such committee shall appoint either the Speaker, or a member from a regular standing committee having eight members to fill such vacancy or vacancies.

(b) A temporary appointment may be made by the chairman of the Committee on Committees for only one day when requested by a chairman of a regular standing committee which lacks a quorum. When a member is appointed from an eight-member committee, the consent of the member to be appointed shall first be obtained. The temporary appointee shall have the right to vote only on the bill or bills that actually have been heard by the appointee and provided that the vote is taken on such bills on the day the bill or bills are heard. When such appointment is made in case

RULE 3

of an incapacitated member or members, such appointee shall cease to be a member of such committee upon the return of the incapacitated member for whom he was appointed.

Sec. 15. Select Committees, Defined. All permanent committees without a regular meeting time shall be identified as select committees. The members of all select committees shall be appointed by the Committee on Committees unless otherwise provided for by statute or rule.

Sec. 16. Select Committees, Named. The permanent select committees shall be as follows:

Committee on Committees	13 members
Enrollment and Review	1 member
Reference	9 members
Rules	5 members

Committee on Committees. Rule 3, Sec. 17.

E & R. Rule 3, Sec. 18.

Reference Committee. Rule 3, Sec. 19.

Rules Committee, Review of Amendment to Rules. Rule 2, Sec. 2.

Sec. 17. Committee on Committees. (a) At the commencement of each session, the Legislature shall elect a Committee on Committees to consist of thirteen members, one at large who shall be chairman, and three from District No. 1 consisting of legislative districts Nos. 1 through 3, 25 through 30, 32, 45, and 46; three from District No. 2 consisting of legislative districts Nos. 4 through 14, 20, and 31; three from District No. 3 consisting of legislative districts 15 through 19, 21 through 24, 34, 35, and 40, and three from District No. 4 consisting of legislative districts 33, 36 through 39, 41 through 44, and 47 through 49.

(b) The Committee on Committees by a majority vote of all of its members, shall recommend to the Legislature for its approval appointments to the standing and select committees, each with the number of members as set forth, unless otherwise provided for herein or by statute.

(c) Committee on Committees shall publish a schedule of regular standing committee meetings, in such manner as to avoid, as far as possible, conflicts in the assignment of members to such committees.

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(d) All nominations made to the Legislature by the Governor, requiring confirmation by the Legislature, shall be referred to the Committee on Committees, and the same procedure shall be followed as governs the handling of other matters before standing committees, unless the Legislature shall otherwise direct by unanimous vote.

73-74 Attorney General Opinion No. 56 – Need 25 votes to disapprove.

(e) The chairman of the Committee on Committees shall daily report the number and identity of any bills held by a committee when said committee has taken action on said bill more than eight days prior thereto. Said report shall be set forth in the Journal.

(f) The Committee on Committees shall have authority to call before it a committee chairman and discuss the workload of said committee. They shall hear and dispose of all written complaints filed with said committee by a senator against any committee chairman. The Committee on Committees shall conduct said hearing in accordance with its own rules.

See Rule 3, Sec. 3 a for selection of chairman.

See Rule 3, Sec. 3 b for selection of vice-chairman.

Sec. 18. Enrollment and Review. (a) The chairman of Enrollment and Review shall be in order at any time in reporting bills which have been engrossed for Final Reading and passage. In the absence of the chairman, the vice-chairman of the Judiciary Committee shall assume the duties of the chairman of the Enrollment and Review Committee.

(b) The bill drafting service shall have supervision of and provide legal services for Enrollment and Review Committee.

(c) The chairman of Enrollment and Review shall have authority, without being required to include the same specifically in his reports and recommendations to the Legislature, in accord with accepted usage:

- i To correct the spelling of words, to correct erroneous division and hyphenation of words, to capitalize or decapitalize words, and to change numbers from words to figures or from figures to words, in new and independent acts, in the new matter of amendatory acts, in standing committee reports, and in General File, Select File, and specific amendments.
- ii To underscore or remove underscoring, as the case requires, in standing committee reports and in General File, Select File, and specific amendments.

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- iii When an amendment to add the emergency clause is adopted on Select File which does not spell out the standard emergency clause and make the necessary change in the title, the chairman of Enrollment and Review shall also have the authority to add to the engrossed bill the standard emergency clause, assigning to it the appropriate section number, and make the necessary change in the title as a matter of course without including such action in his reports and recommendations to the Legislature or making any special record thereof.

For amendments to title. Rule 7, Sec. 3c.

For engrossment of bill. Rule 5, Sec. 9.

Sec. 19. Reference Committee. The Executive Board shall constitute the Reference Committee. The Reference Committee shall review each bill and resolution and either refer the bill to a standing committee or to General File.

Those placed on General File will be bracketed for five calendar days, and if one senator requests a public hearing on one or more of these bills, they will then be referred to a committee. Bills on General File for which public hearings have not been requested will be handled as all bills on General File.

Reference of resolutions. Rule 4, Sec. 8.

Sec. 20. Objection to Reference of Bills. Any member may object to the reference of any bill or other proposition, and correction in case of error in reference may be made by the Legislature by unanimous consent, or by the vote of a majority of the elected members.

Sec. 21. Special Committees. Special committees shall include all permanent committees other than standing or select committees. The special committees shall include but not be limited to the following:

Intergovernmental Cooperation. RRS 81-816 5 members
Nebraska Retirement Systems. RRS 50-416 5 members
Conflict of Interest. RRS 49-1105 4 senate members
Law Enforcement and Justice Advisory
Committees, Judiciary Committee. RRS 50-601 8 members
Nebraska Transportation Advisory Committee. RRS 50-421.5 members
Education Commission of the States. RRS 79-2504 4 members
Administrative Rules Committee. RRS 84-908 7 members
(Chosen by Legislature)

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Sec. 22. Investigating Committees. The Committee on Committees may appoint other select committees when authorized by the Legislature. No investigating committee of the Legislature shall be created except by resolution which shall set forth, with supporting statements, the reasons for and the purposes of the investigation, and no committee thus established shall function except during the interim between legislative sessions.

Sec. 23. Nebraska Retirement Systems Committee. The Nebraska Retirement Systems Committee together with the chairman of the Appropriation Committee shall function during each legislative session as a special committee of the Legislature, shall have jurisdiction over all bills proposing new or amending existing retirement systems of the state and its political subdivisions. All rules of procedure and operation of the standing committees shall apply, except as to a date certain for holding hearings.

RRS 50-416

Sec. 24. Intergovernmental Cooperation. In addition to the members of the Intergovernmental Cooperation Committee chosen in accordance with Sec. 81-816, the Executive Board may appoint alternate members to serve on such assignments as the chairman shall direct.

RULE 4--RESOLUTIONS

Section 1. Identifications. A resolution shall be designated as Legislative Resolution ____ . All resolutions shall be numbered consecutively for each Legislature. All resolutions shall be introduced and read by the Clerk upon introduction and shall be printed in the Legislative Journal.

73-74 Attorney General Opinion No. 13 — Resolutions must be printed and read before a vote is taken.

Sec. 2. When Considered As a Bill. Resolutions which propose amendments to the state constitution, propose the ratification of amendments to the federal constitution, or memorialize the Congress for the purpose of proposing amendments to the U. S. Constitution, or the rejection, change, alteration, amendment, or modification of rules under the provisions of Section 84-904, Reissue Revised Statutes of Nebraska, 1943, shall be considered and adopted in the same manner as bills.

*Const. Art. III, Secs. 13, 14; Art. IV, Sec. 15; Art. XVI, Sec. 1.
Const. Art. III, Sec. 25, Cannot appropriate funds by resolution.*

Sec. 3. Study Resolution. Resolutions which propose that studies be made by the Legislative Council shall be first referred to the Executive Board of the Legislative Council, this Board to submit a report with each resolution recommending that the proposed study be made or rejected. The Executive Board of the Legislative Council shall determine the time and number of interim studies. All such studies authorized by the Legislature shall be referred to the appropriate permanent standing or special committee by the Executive Board. The chief introducer of a study resolution shall, if not otherwise a member of the committee to which the resolution is assigned, be an ex officio member of said committee, but such membership shall not extend beyond the convening of the next legislative session and shall be limited to a study of that resolution only.

RRS 50-404

Sec. 4. All resolutions shall be adopted by an affirmative vote of a majority of the elected members except for those specified in Section 2 which shall be considered and adopted in the same manner as bills.

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Sec. 5. Resolutions shall lie over for consideration at least one legislative day after introduction.

Sec. 6. Only those resolutions specified in sections 2 and 3 of this Rule shall be engrossed unless otherwise ordered by the Legislature or unless the Clerk determines the nature of the resolution is such that upon its adoption it must be engrossed to properly achieve the purpose for which it was presented. All resolutions which are engrossed shall be enrolled and signed by the Lt. Governor or Speaker and certified to by the Clerk as to the date of final passage.

Const. Art. III, Sec. 14.

Sec. 7. Reference to Committee. Resolutions other than those covered by Secs. 2 and 3 of this rule may be referred to a committee if a motion to do so is adopted by a majority of the elected members.

Sec. 8. Reviving Resolution Killed by Committee. If the standing committee report on a resolution be to postpone indefinitely the resolution shall stand indefinitely postponed; Provided, that such resolution may be considered by the members of the Legislature if a majority vote of the elected members so direct, provided the motion is made within three legislative days after the committee makes its report to the Legislature. A motion to raise cannot be amended to include any other resolution or subject matter.

For public hearing. Rule 3, Sec. 5.

Sec. 9. A committee, when reporting out a resolution shall attach thereto a statement setting forth what is sought to be accomplished and the committee vote. The statement shall be set out in full in the Journal.

Emergency seat of government; Resolution providing for, must be signed by Governor. RRS 23-2103, 1943, by Governor.

RULE 5—BILLS—GENERAL PROVISIONS

Section 1. Drafting of Bills. The bill drafter shall prepare all bills and amendments in proper form when requested by members of the Legislature, newly elected members of the Legislature, or heads of executive departments. No bills or major amendments shall be introduced or considered unless the same has been approved as to form and draftsmanship by the bill drafter. The bill drafter shall make available a continuing compilation of sections to which amendments are proposed so as to reduce unnecessary duplication of bills. This section index of bills drafted shall be available to all senators, newly elected senators, and other persons entitled to have bills drafted. After January 1 of each year no bill shall be drafted by the bill drafter unless requested or authorized by a member of the Legislature.

Sec. 2. Content and Form of Bills. (a) A bill shall be designated as Legislative Bill No. ____.

Style of bill. Const. Art. III, Sec. 13.

(b) No bill shall contain more than one subject, and the same shall be clearly expressed in the title. No law shall be amended, unless the new act contains the section or sections as amended, and the section or sections so amended shall be repealed.

Const. Art. III, Sec. 14.

(c) An amendatory bill or constitutional provision shall be so prepared and printed as to show the new matter proposed, old matter to be retained, and old matter to be omitted from the Statutes or Constitution.

Sec. 3. Revisor Correctional Bills, Pre-Printing. (a) Preceding each legislative session, the chairman or any member of the Executive Board of the Legislative Council, or if the Executive Board so requests, the senator who, in the preceding session served as chairman of the Judiciary Committee, shall sign as introducer the Revisor of Statutes correctional bills. The Clerk of the Legislature shall number these bills consecutively beginning with number 1 and shall show the committee reference to be General File. The Clerk of the Legislature shall have these bills printed before the convening of the next regular session.

(b) In addition to causing to be printed the revisor bills, the Clerk shall

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number and cause to be printed all bills delivered to him by the Executive Board, provided said Board has referred said bills to a standing committee. No bill so printed shall be withdrawn until after the Legislature convenes.

Sec. 4. Introducers Signing Bills. Members shall introduce only such bills as they are willing to endorse and support personally. Not more than three senators shall sign any single bill; Provided that, this limitation shall not apply to committee bills, to Legislative Council bills, and to Revisor of Statutes correctional bills. The last name and district shall be used, unless an initial or name is necessary to identify the introducer. Any additional signers shall be by the suspension of the rules with a machine vote and cannot be made by unanimous consent.

Sec. 5. Introduction of Bills, Ten Day Limitation. (a) Except as provided in Rule 5, Sec. 6, no bill shall be introduced after the tenth legislative day during sessions in odd-numbered or even-numbered years, except as hereinafter provided.

(b) A bill may be introduced at the request of the Governor at any time. A standing committee or special committee may introduce a bill for any purpose including at the request of another senator provided said bill receives the endorsement of a majority of the committee members, whose names shall be on the bill and the motion to introduce the bill receives a vote of three-fifths of the elected members of the Legislature.

(c) A copy of intent of a bill recommended for introduction by a committee must be placed on each member's desk before such introduction of bill is voted upon.

(d) In regular sessions each member shall be limited as an introducer or co-introducer to a total of 10 bills for the period of introduction of bills by individual members. Any bill withdrawn by a member during the introduction period shall be counted in the limitation of 10 bills; Provided, those bills introduced as a result of an interim study of the Legislative Council shall not be included in the limitation on individual members. Bills introduced under Rule 5, Sec. 3a will not be included in the limitation.

Sec. 6. Fiscal Analyst. (a) A copy of every bill introduced shall be transmitted by the Clerk to the Legislative Fiscal Analyst. The Legislative Fiscal Analyst shall review each bill and make an estimate of the anticipated change in state, county, or municipal expenditures or revenue under the provisions of the bill. The Legislative Fiscal Analyst shall

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prepare a statement to be known as a fiscal note to be attached to each bill prior to its public hearing by a committee, or its first consideration on General File if the bill is referred directly to General File. The fiscal note shall set forth the fiscal impact of the bill and the governmental subdivision affected by the fiscal impact as determined by the Legislative Fiscal Analyst. No bill which has a fiscal impact of more than five thousand dollars shall be heard by a committee or considered on General File unless the fiscal note is attached.

(b) In determining the fiscal impact of any bill, the Legislative Fiscal Analyst shall request the appropriate department or other entity of state government or subdivision thereof, or appropriate association which will be affected by the bill to prepare the fiscal note within five calendar days.

(c) The Legislative Fiscal Analyst shall review the fiscal note so prepared and shall also request a review of such fiscal note by the Budget Division of the Department of Administrative Services. The statement by the Budget Division of the Department of Administrative Services shall be attached to and become a part of the fiscal note. The Legislative Fiscal Analyst shall include in the fiscal note any exceptions to the conclusions of the department or other entity and of the Budget Division of the Department of Administrative Services.

(d) The fiscal note shall be delivered by the Legislative Fiscal Analyst to the Clerk within ten calendar days of receipt of a copy of the bill for analysis. The Clerk shall attach the fiscal note to the bill and to all copies prepared for members.

(e) When amendments to a bill are adopted by a committee or the Legislature and such amendments would change the fiscal impact of the bill, the appropriate changes shall be made in the fiscal note.

(f) When the Legislative Fiscal Analyst determines that the fiscal impact of a bill will be less than five thousand dollars, it shall not be necessary to prepare a detailed fiscal note, and the fiscal note may merely state this fact.

(g) When any bill proposes adoption of a new program or change of an existing program which would require an appropriation of \$50,000 or more to implement in the ensuing fiscal year an appropriation bill for the purposes of funding the provisions of such bill shall be prepared from the information contained in the fiscal note. Such appropriation bill shall be

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prepared by the Fiscal Analyst and be placed on General File and considered as introduced by the introducer of the original bill at the time the original bill is reported to General File, shall bear the number of the original bill with the letter "A" added (for example LB 1A), and shall accompany the original bill through all stages of the legislative process. However, if the original bill is reported by committee to General File with committee amendments, the "A" bill shall be introduced by the committee which is reporting the original bill to the floor and placed on General File. The "A" bill accompanying the original shall include the funding required by the committee recommended amendments. No vote, suspension of the rules, or unanimous consent shall be required for the introduction of an "A" bill. All bills for which an "A" bill is prepared shall be bracketed on Final Reading until the "A" bill is advanced to Final Reading. The authorization bill shall first be considered and if it should be passed on Final Reading then the "A" bill shall be read and voted on for final passage.

(h) The note shall be factual in nature, as brief and concise as may be, and shall if possible provide a reliable estimate in dollars and, in addition, it shall include both the immediate effect and, if determinable or reasonably foreseeable, the long range effect of the measure. If, after investigation, it is determined that no dollar estimate is possible, the note shall contain a statement to that effect, setting forth the reasons why no dollar estimate can be given.

(i) No comment or opinion shall be included in the fiscal note with regard to the merits of the measure for which the note is prepared, however, technical or mechanical defects may be noted.

(j) The subject matter of bills submitted to boards, commissions, departments, agencies, or other entities of the state by the Fiscal Analyst shall be kept in strict confidence by said agencies and by the office of Fiscal Analyst together with the content of the fiscal note itself and no information relating thereto shall be divulged by any official or employee prior to its introduction in the Legislature.

For creation of position. RRS 50-418.

For duties of position. RRS 50-419.

Sec. 7. Governor's Budget Bill. The budget bill prepared by the Governor shall be shown as introduced by the Speaker of the Legislature at the request of the Governor.

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*Governor's Budget message.
Const. Art. IV, Sec. 7.*

Sec. 8. Reading Title of Bills, Printing. Every bill and resolution shall be read by title when introduced, and a printed copy thereof provided for the use of each member, and the bill and all amendments thereto shall be printed and read at large before the vote is taken upon its final passage.

Const. Art. III, Sec. 14.

Sec. 9. Engrossment of Bills. All bills, before being advanced to Final Reading and passage, shall be engrossed, and copies thereof showing new and stricken matter shall be made available to members.

Sec. 10. Expenditure of Legislative Funds. Those expenditures on which the Legislature votes shall require the approval of the majority of the elected members.

Salaries of employees. Rule 1, Sec. 22.

Sec. 11. Withdrawal of Bills. No bill, having been introduced may be withdrawn except upon motion of the first introducer with the consent of his co-introducers. Such motion, when made, shall not be considered prior to the next succeeding legislative day, and, for its adoption, shall require the affirmative vote of a majority of those voting upon the question.

Withdrawal of bills set for hearing. Rule 3, Sec. 5.

Sec. 12. Division of Bills, Prohibited. No bill shall be divided into two or more bills.

Sec. 13. Holding of Bills. Unless otherwise disposed of, all bills on which no final action has been taken by the time of adjournment of the regular session in odd-numbered years shall be held over for consideration at the regular session convening in even-numbered years.

RULE 6—BILLS—STAGES OF CONSIDERATION

Section 1. Introduction of Bills. Starting with regular sessions in odd-numbered years, bills shall be numbered consecutively starting with the number 1. Bills introduced in regular sessions in even-numbered years shall start with the number following the number of the last bill introduced in the preceding regular session of an odd-numbered year, (bills introduced in any special session shall start with the number 1) and shall be numbered consecutively as read by the Clerk. After introduction the Clerk shall deliver bills requiring reference to the Reference Committee.

Sec. 2. General File. (a) The Clerk of the Legislature shall read the number and the title of the bill and the name of the principal introducer as it comes up for consideration on General File. A bill will not be read section by section unless requested by a member of the Legislature.

(b) Each section shall be open to amendment. The amendments, if any, recommended by standing committees, shall first be considered. The introducer's amendments, if any, shall next be considered, after which he may move to advance and explain the bill. Other amendments and motions permitted by these rules may then be offered and shall be considered after the introducer has explained the bill in the order in which they are filed with the Clerk, subject to the provisions of Rule 7, Sec. 3.

(c) Bills shall be listed and considered on General File in the order in which they shall be reported from the standing committees, except as modified by the Speaker; Provided, that any bill that comes up for debate for a second time, with the introducer present, shall be placed by the Clerk at the bottom of General File if said introducer asked for further time, unless otherwise directed by the Speaker.

Speaker determine order of bills. Rule 1, Sec. 16.

(d) During consideration of bills on either General or Select File, any member may move that the bill be passed over once and if the motion is carried by a majority of those voting, the bill shall be passed over and shall retain its place on the file.

(e) In the event a motion to indefinitely postpone a bill is made before the bill is read on General File, such motion shall require the affirmative vote of a majority of the elected members.

(f) In the event a bill has become substantially a new and different bill by reason of amendments having been adopted, the Speaker may refer said bill to the Reference Committee who must refer the said bill to a proper committee for a public hearing; Provided, that a majority of the elected members may overrule the decision of the Speaker.

(g) If in the opinion of the Speaker, the bill is in such form that it should properly be referred back to committee for further action he may by order direct the same; Provided, that a majority of the elected members may overrule the decision of the Speaker. Any rule to the contrary notwithstanding any motion to amend a bill shall require a majority vote of the elected members.

(h) Any bill failing to receive 25 votes to be advanced to E & R Initial after three attempts shall be indefinitely postponed.

**The following votes shall be required to adopt the following
motions affecting bills on General File:**

*UC-Unanimous Consent; MEM-Majority of Elected Members;
MTV-Majority of those voting.*

GENERAL FILE

On introduction of bill, Motions to		Rule-Sec.
Add names as introducers	UC	5-4
More than 3, Suspension of Rules		
Place on General File without public hearing	MEM	3-19
Withdraw bill	MTV	5-11
On consideration of bill on General File		
Move to pass over	MTV	6-2d
Move to change order	MEM	
Move to IPP before bill is read	MEM	6-2e
Move to IPP after bill is read	MTV	
Move to Advance to E & R Review	MEM	6-3
Move to return to Committee	MEM	
Move to Reconsider		
(within one legislative day thereafter)	MEM	7-7a
(If after one legislative day, by suspension of the rules only)		7-7a
Move to expedite	UC	

Move to amend	MEM	6-2g
Move to amend the Amendment	MTV	
Move to withdraw bill-first introducer	MTV	5-11
If returned from Select File		
Motion to return to Select File	MEM	6-4d
Motion to amend	MEM	6-2g
Motion to advance	MEM	6-3
Move to return to E & R for Engrossing	MEM	6-4d
Defeated bill, motion to reconsider	MEM	7-7
Returned from Final Reading		
Advance to Final Reading (if no amendments)	MEM	

Withdrawal of bills. Rule 3, Sec. 5.

Sec. 3. Enrollment and Review. Bills when advanced to Enrollment and Review shall be reviewed for recommendations relative to arrangement, phraseology, and correlation. Advancement to Enrollment and Review from General File for such purpose shall require a majority of the elected members. A motion to return to General File from Enrollment and Review shall, for adoption, require the concurrence of a majority of the elected members.

Sec. 4. Select File. When the Legislature considers bills on Select File, any of the following motions shall be in order.

(a) A motion to approve or reject any or all of the changes recommended by the chairman of Enrollment and Review.

(b) A motion to adopt an amendment which shall require a majority of the elected members.

(c) A motion to recommit to the proper standing committee.

(d) A motion to recommit to General File for one or more amendments. If the motion to return is adopted the bill shall be considered first on General File. Any motion may be made the same as when the bill was first on General File. If the bill is readvanced, it shall be given priority consideration by E & R. If the bill is not altered, it may be advanced to E & R for engrossment.

(e) A motion to postpone indefinitely.

(f) Motions made pursuant to subsections b, c, d, and e hereof may be adopted only upon the affirmative vote of a majority of the elected members.

(g) Amendments recommended by E & R shall not be read by the Clerk except upon the request of a member of the Legislature.

(h) Notwithstanding any other provision contained in this section, if the E & R Committee returns a bill to Select File from engrossment, then only the specific enrollment and review amendments may be considered.

The following votes shall be required to adopt the following motions affecting bills on Select File:

SELECT FILE

		Rule-Sec.
Motion to advance to E & R for Engrossing	MEM	
if machine vote requested	MEM	6-4d
Motion to act on E & R amendment	MTV	6-4a
Motion to amend	MEM	6-4b
Motion to recommit to a standing committee	MEM	6-4d
Motion to return to General File for amendment	MEM	6-4d
Motion to Indefinitely Postpone	MEM	6-4e
On bill returned from E & R Engrossing & Final Reading		
Motion to return for specific amendment	MEM	6-5
Motion to adopt specific amendment	MEM	6-5

Sec. 5. Return to Select File. On a motion to return a bill to Select File for a specific amendment, a majority of the elected members must concur. No other amendment shall be considered when the bill is so returned. Such amendment when considered may be adopted by a majority of the elected members.

Sec. 6. Final Reading. No bill shall be voted on for final passage until:

(a) After five legislative days following the introduction of the bill.

(b) Two legislative days after its reference to Final Reading file.

(c) Printed copies of the bill in its final form, as amended, shall have been available to members and on their desks for at least one legislative day.

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Const. Art. III, Sec. 14.

Sec. 7. Final Reading, Motions. On Final Reading the bill shall be read at large with all amendments thereto before the vote is taken. At any time before the roll call shall have begun on Final Reading of the bill, it shall be in order to move:

(a) To recommit the bill to Enrollment and Review to correct an error and for re-engrossment.

(b) To recommit the bill to the proper standing committee, with or without instructions.

(c) To recommit the bill to Select File for specific amendment, which amendment may be adopted by a vote of a majority of the elected members; Provided, however, if the proposed amendment be to add the emergency clause, it may only be adopted by a vote of two-thirds of the elected members.

(d) Any bill returned to Select File for a specific amendment, may if the amendment is rejected, be readvanced to Final Reading without going through Enrollment & Review. A motion to so advance shall require the concurrence of a majority of the elected members.

Members to remain in their seat. Rule 2, Sec. 3g.

No one to be seated beside member during Final Reading. Rule 2, Sec. 3d.

Sec. 8. Question on Final Reading. The question after the Final Reading of bill shall be: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' " If the emergency clause is contained in the bill, the words "with the emergency clause attached" shall be added to the question.

Majority of elected members required. Const. Art. III, Sec. 13.

Sec. 9. Emergency Clause, Votes Requested. When a bill containing the emergency clause does not receive the required two-thirds constitutional majority on Final Reading, then the emergency clause shall be considered stricken, and the bill without the emergency clause shall be pending on Final Reading, and the question then shall be, "Shall the bill pass with the emergency clause stricken?"

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Const. Art. III, Sec. 27.

Sec. 10. Governor's Veto, Reconsideration. Upon the day of receipt of a message from the Governor announcing his veto of a bill, or on either of the next five legislative days, any member may move that the bill so vetoed be taken up for passage. Whereupon, the question shall be, "Shall the bill pass, notwithstanding the objection of the Governor?"

Three-fifths vote of the elected members required to pass bill over Governor's veto. Const. Art. IV, Sec. 15. See also Art. IV, Sec. 7.

The Governor may disapprove any item or items of appropriation contained in bills passed by the Legislature, and the item or items so disapproved shall be stricken therefrom, unless repassed in the manner prescribed in case of disapproval of bills.

Const. Art. IV, Sec. 15.

Sec. 11. Bills, Passed Over Veto. Should the Legislature pass a bill over the objections of the Governor by the necessary constitutional majority, it shall so certify and deposit the same with the Secretary of State.

RRS 84-503.

The following votes shall be required to adopt the following motions on Final Reading:

FINAL READING

		Rule-Sec.
To return to standing committee	MEM	6-7
To return to E & R to correct an error	MEM	6-7
To return to Select File for specific amendment	MEM	6-5
Unless to add the emergency clause	2/3	6-7
To pass on Final Reading	MEM	6-8
With Emergency clause attached	2/3	6-9
Creation of State Office	2/3	
<i>Const. Art. IV, Sec. 27</i>		
Motion to reconsider (when failed on Final Reading)	3/5	7-7
To add the emergency clause	2/3	6-7
Override Governor's veto	3/5	6-10
"A" bills considered first		5-6g

RULE 6

Constitutional Amendment. If proposition is to submit amendment to electorate at special election fails to receive 4/5 plurality, then amend bill to provide for general election when adoption is by 3/5 plurality. RRS 49-236.

RULE 7—PROCEEDINGS AND MOTIONS

(A) Order of Business

Section 1. Meeting Time, Restrictions. (a) The Legislature shall meet annually at 10:00 a.m. on the first Wednesday after the first Monday in January of each year and thereafter on each legislative day at 9:00 a.m., and adjourn not later than 1:00 p.m., unless otherwise ordered by a majority vote of its members present and voting thereon. The Legislature shall remain in session until it shall adjourn sine die, but in no event shall it remain in session for longer than ninety (90) legislative days in odd-numbered years or sixty (60) legislative days in even-numbered years. This limitation may be suspended by a four-fifths vote of the elected senators.

Const. Art. III, Sec. 10.

Each day the Legislature convenes shall be considered a legislative day.

(b) The order of business of the Legislature shall be as follows; except as otherwise provided by the Speaker.

- a. Prayer by the Chaplain
- b. Roll call
- c. Call for correction of the Journal
- d. Petitions and memorials
- e. Notice of committee hearings and reports
- f. Bills on Final Reading
- g. Resolutions
- h. Introduction of bills and reading by title
- i. Consideration of bills on Select File
- j. Motions to reconsider
- k. Motions to advance bills from committee
- l. Other pending motions
- m. Unfinished business, including messages on President's desk
- n. Consideration of bills on General File
- o. Miscellaneous business

(c) Messages from the Governor may be received at any stage of the proceedings.

(d) When a bill shall have been made a special order for a definite time and an adjournment shall intervene for a time beyond the time fixed for such special order, then in that event the bill so made a special order shall be placed in its order on General File. The unfinished business in which the

RULE 7

Legislature was engaged at the adjournment of the last preceding sitting shall have preference in the special order of the day.

(e) Upon call for the introduction of bills, any member or any standing committee to which bills are referred for consideration may introduce one or more bills.

Introduction of bills. Rule 6, Sec. 1.

(B) Voting Machine

Sec. 2. Voting, Electric Roll Call. (a) All votes shall be taken viva voca unless otherwise provided for herein. Questions shall be distinctly put in this form, to wit: "Those who are in favor of the question say 'aye'; those who are opposed to the question say 'nay'."

(b) If a machine vote is called for or if the presiding officer is in doubt, he shall cause the result to be obtained by means of the electric roll call system, and in such event shall accept only machine tallied votes except that voice votes shall be accepted on a motion before the House while the House is under Call. The presiding officer may vote by voice. Only the totals shall be printed in the Journal. Once having voted aye or nay, senators may call in a change to not voting prior to the locking of the voting board.

Voice votes shall be accepted on Final Reading.

(c) Upon the final passage of a bill, or of a resolution if the same required the same consideration as a bill, the vote shall be by yeas and nays, and the electric roll call system shall be used.

(d) Whenever the "ayes" and "nays" are taken by machine vote no member shall be permitted to vote after the decision is announced by the presiding officer or the Clerk. Votes not registered on the electric roll call system shall not be counted for or against a proposition. In announcing such vote the Clerk shall announce the ayes, the nays, those present and not voting, and those absent and not voting. Any member may request a roll call or a record vote and further that the same be verified.

(C) Motions

Sec. 3. Motion, in Writing, Withdrawal. (a) A motion shall be either stated

RULE 7

by the presiding officer or read by the Clerk before a vote is taken. All motions shall be submitted in writing if requested by the presiding officer or any senator.

Once motions are stated they may be withdrawn or modified by the mover before a decision, amendment, or ordering of a vote has been made. A motion to reconsider may be withdrawn only with unanimous consent or a majority vote of the elected members.

When a question is under debate no motion shall be considered except one of the following, which motions shall take precedence in the order stated.

- a. To adjourn
- b. For the previous question
- c. To postpone to a time certain
- d. To recommit to a committee
- e. To amend
- f. To postpone indefinitely

Such motions shall have precedence in the order in which they are arranged, except that motions to postpone indefinitely and amend do not yield to each other.

When any of the following motions shall be made, any action on such motion shall be delayed at least one legislative day and the motion shall be printed in the Legislative Journal:

- a. Motion to postpone indefinitely on Select File
- b. Motion to advance bills from committee
- c. Motion to place bills on General File, notwithstanding the action of a standing committee

(b) When a motion or other proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order.

(c) Amendments to the title shall be made by the Enrollment and Review Committee.

(d) No motion, proposition, or subject, different from that under consideration, shall be admitted under color of amendment.

(e) Any member may call for the division of a question, which shall be divided if it comprehends propositions in substance so distinct that, one

RULE 7

being taken away, a substantive proposition shall remain for the decision of the Legislature. A motion to strike out and insert shall be deemed indivisible, but a motion to strike out being lost, shall not preclude an amendment or a motion to strike out or insert.

(f) When motions are made for reference of the same subject to a select committee and to a standing committee, the question on reference to the standing committee shall be considered first.

Sec. 4. Shall the Debate Cease. The previous question shall be in this form, "Shall the debate now close?"

The previous question shall be in order when demanded by five or more members and must be sustained by the vote of a majority of the elected members, and until decided shall, except as provided in this section of this rule, preclude further debate and all amendments and motions, except one motion to adjourn.

On a previous question there shall be no debate. All incidental questions of order, arising after a motion is made for a previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

When the previous question shall have been ordered on a proposition under debate, the mover, proponent, or introducer of such proposition shall be given the right to close the debate thereon.

Sec. 5. Call of the Legislature. A Call of the Legislature may be made by any member in the manner following: "I move for a Call of the Legislature." The presiding officer shall direct that the board be cleared and the members shall then vote on placing themselves under Call. If a majority of the senators present and voting vote in favor of such a motion then the Legislature shall be deemed to be under Call. Each member present shall indicate his presence upon the electric roll call system and shall remain in his seat during the Call. After the Clerk shall note the names of the absentees, proceedings under the Call may be suspended at any time by a majority vote of the members then present, and when so suspended shall not again be ordered on the proposition pending, except by a majority vote of the members elected. If all absentees were to vote on one side of the question, and if their combined vote would be insufficient to change the result of the vote, the President shall declare the Call raised.

RULE 7

Lieutenant Governor votes only when Legislature equally divided.

Rule 1, Sec. 14.

Voice vote while House under Call. Rule 7, Sec. 2b.

Sec. 6. Postpone to Time Certain. No motion to postpone to a time certain, to commit, or to postpone indefinitely being decided, shall again be allowed on the same day at the same stage of the bill or proposition.

Sec. 7. Reconsideration. (a) When a question has been decided, it shall be in order for any member voting with the prevailing side, or not voting, to move for a reconsideration thereof. A motion to reconsider must be made on the same day the original question was decided or on the next legislative day, except when it be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading. In such case, it must be made on the same day the original question was decided or on one of the next three legislative days. A motion to reconsider must be disposed of by the Legislature within five legislative days after making the same or it shall be deemed defeated. If the Legislature shall refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent.

Motion to reconsider cannot be withdrawn without leave. Rule 7, Sec. 3.

(b) Every motion to reconsider shall take preference over all other questions, except a motion to adjourn.

(c) For its adoption, a motion to reconsider shall require the vote of a majority of the elected members, except:

- i Where such motion be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading, then a three-fifths vote shall be required for adoption.
- ii Where such motion be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading with the emergency clause attached, but which received the constitutional majority with the emergency clause stricken and the purpose of the motion is to again add the emergency clause, then a two-thirds vote of the elected members shall be required for adoption.

Sec. 8. Strike the Enacting Clause. A motion to strike the enacting clause if adopted, is equivalent to rejection of the bill. It shall not have

RULE 7

precedence over a motion to amend nor a motion to indefinitely postpone.

Sec. 9. Motion to Adjourn. A motion to adjourn shall be in order, except:

- a. While a member is speaking.
- b. When a motion to adjourn has just been defeated.
- c. After the Final Reading of a bill and during roll call thereon.

A motion to adjourn to a time certain shall have precedence over a motion to adjourn. A motion to recess shall take precedence over either of such motions.

When a motion to adjourn has been made, the Speaker shall be privileged to speak to the motion prior to any vote on such motion, otherwise a motion to adjourn is not debatable.

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FIRST DAY—OCTOBER 22, 1975

LEGISLATIVE JOURNAL

**EIGHTY-FOURTH LEGISLATURE
FIRST SPECIAL SESSION**

FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, October 22, 1975

Pursuant to a proclamation by His Excellency, J. James Exon, Governor of the State of Nebraska, the Eighty-fourth Legislature, First Special Session assembled in the West Legislative Chamber of the State Capitol, at the hour of 3:00 p.m., Wednesday, October 22, 1975, and was called to order by President Gerald Whelan.

PRAYER

The Prayer was offered by Dr. Robert Palmer, Chaplain.

We ask thy guidance, O God, upon each and all of us as we begin this extraordinary session. Help us all to understand the significance of our "express obligations" and give to all branches of government and all involved an understanding of such things as monetary flow and fiscal responsibility. May we here be more concerned with principals than with politics, more concerned with finding the truth than in gesturing for the public. Clarify our understanding of the monetary problems facing us, and unite us in a common effort for their solution. Deliver us from futile hopes and from looking back, that we may move into ever widening horizons. Where we cannot convince, let us be willing to persuade, and help us to see that small deeds accomplished are better than great deeds imagined. We know that we cannot do everything this session, but help us to do that which is necessary, for our sakes, for our people's sakes, and for Jesus' sake. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Mahoney and Savage who were excused until they arrive, Mr. Stoney who was excused until October 27, 1975, and Mr. DeCamp who was absent.

LEGISLATIVE JOURNAL

DECLARATION

Members of the Legislature:

Pursuant to a proclamation issued by the Honorable J. James Exon, Governor of Nebraska, we are here and now assembled in the 84th Legislature, 1st Special Session of the Nebraska Legislature. I, as President, declare that we are now open for the transaction of business.

(Signed) Gerald Whelan
President

MESSAGE FROM THE SECRETARY OF STATE

October 22, 1975

Vincent D. Brown
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Vince:

Attached herewith is a certification and photocopies of the proclamation of the call of the Legislature into extraordinary session.

Respectfully submitted,
(Signed) Allen J. Beermann
Secretary of State

Enclosures

CERTIFICATE

STATE OF NEBRASKA
DEPARTMENT OF STATE

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that the attached are true and correct copies of a Proclamation by the Governor of the State of Nebraska calling an extraordinary session of the Legislature and an amendment of the call for extraordinary session.

I hereby certify that said documents were filed in the office of the Secretary of State on the fifteenth day of October 1975 and the seventeenth day of October 1975.

Finally, I hereby certify that copies of this proclamation are on file in the office of Secretary of State and are a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this twenty-second day of October in the year of our Lord, one thousand nine hundred and seventy-five.

(SEAL)

(Signed) Allen J. Beermann
Secretary of State

PROCLAMATION

BY VIRTUE OF THE AUTHORITY VESTED in the Governor by Section 8, Article IV, of the Constitution of Nebraska, I, J. James Exon, as Governor of the State of Nebraska, believing that an extraordinary occasion has arisen, DO HEREBY CALL the Legislature of Nebraska to convene in extraordinary session at the State Capitol on October 22, 1975, at 8 o'clock a.m., for the purpose of considering and, if deeming it advisable, enacting legislation relating to the following subjects:

1. To reconsider appropriation laws passed by the 84th Legislature First Session.

2. To reconsider revenue laws as they relate to the sales and income tax rates.

3. To enact legislation amending Section 77-2715.01, 77-2715.02, 77-2715.03, Reissue Revised Statutes of Nebraska, 1943, as amended which would temporarily change the formula used by the State Board of Equalization for setting sales and income tax rates.

4. To enact legislation which would permit temporary authority to prorate, postpone and prioritize the payment of State government obligations.

5. To appropriate funds for the necessary expenses of the extraordinary session herein called.

I DIRECT that members of the Legislature of the State of Nebraska be notified of the convening of this extraordinary session by mailing to each of them a copy of this Proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nebraska to be affixed this fifteenth day of October, 1975.

(Signed) J. James Exon
Governor

(SEAL)

Attest:

(Signed) Allen J. Beermann
Secretary of State

STATE OF NEBRASKA**COUNTY OF LANCASTER**

FRANCES WHITE being first duly sworn says that she is the private secretary for J. James Exon, Governor of the State of Nebraska; that on October 15, 1975, she sent by United States Mail, a copy of the Governor's Proclamation issued on that said date calling for a special session of the Nebraska Legislature to all members of the Nebraska Legislature 84th Session.

(Signed) Frances White

(SEAL)

SUBSCRIBED and sworn to before me this 15th day of October, 1975.

(Signed) Marilyn K. Shotkoski
Notary Public

Commission expires August 22, 1977

PROCLAMATION**Amendment of Call for Extraordinary Session**

I, J. James Exon, Governor of the State of Nebraska, hereby amend the call for an extraordinary session of the Legislature of Nebraska made on October 15, 1975, to provide for the convening of the extraordinary session on October 22, 1975, at three (3) o'clock p.m. in substitution for eight (8) o'clock a.m.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nebraska to be affixed this seventeenth day of October, 1975.

(Signed) J. James Exon
Governor

(SEAL)

Attest:

(Signed) Ralph Englert
Secretary of State, Deputy

ANNOUNCEMENT

President Whelan announced the apples being presented to the Senators are from Mr. Carsten's, 2nd Legislative District.

MOTION—Officers

Mr. Anderson moved that the following officers be elected to serve for the 84th Legislature, 1st Special Session:

Clerk of the Legislature
Asst. Clerk of the Legislature
Sergeant-At-Arms
Chaplain

Vincent D. Brown
Walter Radcliffe
Ray R. Wilson
Dr. Robert E. Palmer

The motion prevailed.

MOTION—Rules

Mr. Carsten moved that the rules of the 84th Legislature be used in this, the 1st Special Session.

The motion prevailed.

MOTION—Committee Membership

Mr. Moylan moved that the membership of the committees of the 84th Legislature be continued in this the 1st Special Session and that the membership of all standing, select and special committees be the same as during the 84th regular session.

The motion prevailed.

MOTION—Notify Governor

Mr. Hasebroock moved that the President appoint a committee of five to notify the Governor that the Legislature is now convened, organized, and ready for the transaction of business and to return with any message the Governor may have for this, the First Special Session of the Eighty-Fourth Legislature.

The motion prevailed.

The President appointed Messrs. Fitzgerald, Stull, Nichol, Wiltse and Hasebroock to serve.

EASE

The Legislature was at ease from 3:06 p.m. until 3:10 p.m.

The committee escorted Governor J. James Exon to the rostrum where he delivered the following message.

MESSAGE FROM THE GOVERNOR

Special Legislative Session
Legislative Chambers
October 22, 1975
Governor J. James Exon

Mr. President, Mr. Speaker, Members of the 84th Legislature, ladies and gentlemen:

I have called the Legislature into Special Session essentially for two reasons.

First, to prevent a dramatic increase of 20% in the state sales tax to 3%, and an accompanying 33% increase in the state income tax to 16%. Such would be mandated for 1976, under present statutes. Corrective legislative action is promptly required before the State Board of Equalization meets in three weeks if we are to hold the line on the state tax rates at 2½% on sales and 12% of federal liability on the income tax.

Second, to immediately come to grips with the State's critical cash flow problems, best defined as the necessity to have the proper amount of cash on hand at given dates, as directed by law, so that the State Treasurer can meet the State's obligations.

Revenue projecting is not an exact science, but we must face the realities. When we consider the anticipated fiscal year end balance at one million and compare that with the last three year-end balances of \$41 million in 1975, \$69.9 million in 1974, and \$46 million in 1973, the enormity of the future problems that face us is apparent. We must conserve, starting immediately. Anyone who is not shocked into reality by these facts has reached the point of no return!

I hope that we can agree that this is the time, right now, for us to "fish or cut bait".

Not included in my call or in this message is an attempt to fix blame with regard to the specifics of Nebraska's Financial Crunch. It is sufficient to say, as we face the twin demons of substantial tax increases on one hand and the inability to meet State obligations on the other, that the future is the vital consideration.

The simple fact is that Nebraska State Government is spending and scheduled to spend more than we are collecting in taxes. The only solutions are to: (A) Reduce spending and rearrange priorities, or to (B) raise taxes. I support concept (A).

Today I have delivered four bills for your enactment that will, if adopted as a package, solve the problems without tax increases. It may well be that the Legislature will devise its own or additional concepts.

I cannot over-emphasize that the "Complete Package" which addresses all of the areas must be enacted by at least 33 votes. We must not approach this on a piecemeal basis, by recognizing one situation here, but ignoring another there.

The financial crunch that faces Nebraska is a manageable one if we have the courage to make the sacrifices, take the heat, and intelligently chart our restrained course for the immediate and long-range future.

In order to expedite your considerations and conserve time for public hearings, we have combined my suggestions into just four bills.

The first bill is for the necessary appropriations measure for \$5,000.00 to cover the Special Session's costs. This would appear to be entirely sufficient since we can envision no substantial additional expenses other than one round-trip transportation for each senator and printing costs.

The second measure would authorize the State Board of Equalization in setting rates for 1976 only, to consider only actual estimated expenditures. Rather than the present law which mandates a 5% over collection, including all appropriations, whether they will be actually expended or not.

While I ordinarily would not endorse such a course of action, because the State should not customarily attempt to run its financial affairs without reasonable reserves, these are not ordinary times nor are the conditions we face. Such authority is required because otherwise we would have no alternative but the large tax increases which are opposed by your Governor.

The third proposed bill that I have presented for your approval would principally address the serious cash flow problems.

The Department of Revenue has projected a multi-million dollar shortage in the General Fund of over \$11 million in January, \$9 million in February, \$9 million in March, \$11 million in April, \$6 million in May, and a possible positive balance of only slightly over \$1 million at the end of the current fiscal year if all goes well.

Confusion and chaos in this area can be averted partially only by the Legislature granting authority to waive certain specific date requirements of disbursement of funds to subdivisions of State Government. When funds become short of meeting needs, as currently specified by statutes, I am suggesting the Legislature establish priorities of such expenditures, when necessary, and allow the State Treasurer, with the advice and information supplied him by the directors of the Department of Revenue and Administrative Services, to exercise flexibility in issuing State warrants under such conditions.

I have personally discussed this important duty with the State Treasurer. It is our feeling that these decisions rightfully rest with the State Treasurer, who is responsible for the final disbursement of funds. However, if the Legislature feels that the Governor should be involved, I have no objections.

The bill establishes that the first priority would be Personal Services; secondly, other State Expenditures; and thirdly, Intergovernment Transfers and Aid.

The fourth and final bill that I have caused to be introduced deals with current year appropriations, and essentially recommends reductions totalling approximately \$10.4 million.

In this measure, you will also find needed legislative authority, overlooked in the last regular session, to meet the December 1, 1975 deadline for the first payment on bonds issued by the City of Lincoln for State Fair Ground improvements, thereby guaranteeing no hint of default, technical or otherwise.

In the bill, I am further requesting cancellation of appropriations of \$2.5 million not scheduled for expenditure from the Department of Education and \$1 million of the \$1.4 million in the Governor's Emergency Fund. This \$3.5 million coupled with the 3% reduction of \$6.9 million, for a total of \$10.4 million, helps us in our quest to prevent tax increases as well as aiding in the cash flow problems.

This cut in expenditures will not affect traditional State aid to political subdivisions. I have also not recommended a reduction in the budget of the Department of Corrections. That department is in a deficit position, because of an ever-increasing number of inmates due to longer sentences by the courts and a higher influx of convicted felons than anticipated.

My recommended 3% reduction has been transmitted to all agencies with our requests that all furnish us with their thoughts on where such cuts should be applied, if the Legislature concurs, so as to minimize the impact on programs.

Some have attempted to make the issue that my request for a 3% cut in total yearly appropriations is actually a higher percentage since it would be effective after the fiscal year has begun. That is a play on figures. If the Legislature approves my proposal by November 1, 1975, the State agencies would be exactly one-third of the way through their fiscal year. The net cut by agencies, under such circumstances, would then be 4.5% for the last two-thirds of the year. Call it whatever you want, 3% or 4.5%, but the figure the Governor is recommending for reduction in spending still comes out to the same \$6.9 million, plus the \$3.5 million from the other sources which total \$10.4 million.

Reductions will not be easy, but these are not easy times. Let's not get sidetracked on a play with percentages. The question is, do we cut \$10.4 million, or do we not. Many other states already have instituted much higher percentages and dollar reductions. We can do this in Nebraska if we have the courage.

In this Special Session, I have not recommended reductions in capital construction.

This is an important area to which we must address ourselves in the upcoming regular session.

For fiscal year 1976-77, the State is already obligated for capital construction to the tune of \$18 million, plus an additional \$24 million in the future to complete those projects. In addition, the budget requests just received from State agencies for next year total another \$25 million. This would be "seed money" to begin State buildings which in succeeding years would require a total of \$114 million to complete.

I have directed the Department of Administrative Services to send back to all agencies their 1976-77 capital construction requests for total re-evaluation. Is it time we get a handle on ever-increasing demands for

more new buildings? To me, the answer is a definite and resounding "yes".

If the Legislature adopts my total package, for reducing expenditures, attacking the cash flow problems, and holding the line on taxes, hopefully for at least next year, we will still face critical budgetary problems in the regular session. Your constructive suggestions and help are encouraged.

As we deliberate in this special session, and look forward to future regular sessions, we must insist that the plight of New York City and the Federal Government will not be ours. Nebraska can escape such situations if we are intelligently perspective, plan our work, and work our plan.

We cannot run away from our obligations by conveniently putting them off for another day. We are not going to fold the tent on legitimate Nebraska needs, nor are we going to buy a new center pole just because one has been invented.

We have our financial obligations to meet and needs to be fulfilled. We live in a tremendously progressive state with the most unlimited potential of any in the nation. We must not sell Nebraska short, but we dare not impair her financially. Nebraska has prospered with industrial expansion the last few years because we are recognized as a state with relatively low taxation and debt. The investors and potential investors, who create more and better jobs for our people, know the "Good Life" when they see it. We must remain progressive while recognizing that soaring tax rates are neither a sign of progress or accomplishment.

New York City is broke because its leaders, over the years, have sold the city, lock, stock and barrel, into financial slavery by spending more than it did or could produce in revenue.

New York is turning to Washington for help. Uncle Sam can print money faster and accumulate debt more efficiently than anyone, and he can prove it. His managers have, within only the last six years alone, created for him about one-third of all the debt accumulated in 200 years of our history. Right now they are draping him with a new record \$600 billion total debt while expounding the merits of another tax cut, following the one last year. What a wonderful birthday present for Uncle! All hope we can nurse him through his 200th year. The loss of our "rich uncle" would be a calamity we just could not cope with. The least we can do is make him as comfortable as possible in the poor house in his "golden years".

It would not be accurate to compare the financial problems of New York or the Federal Government with those we face in Nebraska today. Yet, we would be foolhardy not to recognize the telltale signs that emerge. Lack of sound management of resources and overspending must not be tolerated.

Both of those giant governmental structures have for years employed tax rates that exceed ours manifold. That proves that high tax rates do not assure financial stability.

Most importantly, both of these governments are in trouble primarily because they chose unrestrained spending and debt financing as opposed to a "pay as you go" approach.

If and when this Governor feels additional taxation is necessary, I will not hesitate to recommend same. But this is not necessary now if the Legislature will approve the total package I have offered today.

If we are to bring stability to ever-increasing demands, then we must make the hard decisions, regardless of how unpleasant that task might be.

The test is whether we have the courage in this Special Session and the regular ones that will follow to tackle the problems head on and solve them. We can win for Nebraska and make our contribution to a more solvent America.

Members of this Special Session of the 84th Legislature, I leave you to your most important deliberations. With understanding and God's help, we can accomplish much for Nebraska and our fellow citizens whom we are all honored and proud to serve. Thank you.

The committee escorted the Governor from the Chamber.

MESSAGES FROM THE GOVERNOR

June 23, 1975

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President & Senators:

This is to inform your honorable body that I have made the following reappointment requiring legislative confirmation:

Mr. Benjamin M. Wall, 1314 So. 80th St., Omaha, Nebraska, to the Court of Industrial Relations for a 6-year term expiring June 9, 1981.

I respectfully submit this reappointment for your consideration.

Sincerely,
(Signed) J. James Exon
Governor

JJE:sa

June 25, 1975

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President & Senators:

This is to inform your honorable body that I have made the following appointments to the Public Welfare, Institutions & Corrections Advisory Committee requiring legislative confirmation:

Reappointment of Ed R. Crowley, 2721 5th Ave., Kearney, Nebraska, to another 4-year term expiring January 1, 1979.

Appointment of Mrs. Sally Bates, 3230 South 40th, Lincoln, Nebraska, to fill the vacancy created by the resignation of Senator Bill Burrows. Mrs. Bates' term will expire January 1, 1978.

I respectfully submit these appointments for you consideration.

Sincerely,

(Signed) J. James Exon
Governor

JJE:sa

July 2, 1975

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President & Senators:

This is to inform your honorable body that I have made the following appointments to the Environmental Control Council (4-year terms expiring June 22, 1979) requiring legislative confirmation:

Reappointment of L. E. Donegan, 3010 Plymouth Ave., Lincoln
Reappointment of Paul F. Harm, 2206 Hardison Drive, Norfolk
Reappointment of John T. Harris, Box 61, McCook
Reappointment of Dr. David H. Smith, 1428 Boxwell, Crete
Reappointment of Richard A. Veach, 1030 Palamino Road, Omaha
Reappointment of Dr. James H. Walston, 3115 "C" Street, So. Sioux City
Appointment of Wendell Gangwish, Shelton
Appointment of Martin Kahle, Route 4, Kearney

Also, Section 81-1503(2) requires that all appointees to the Council must be confirmed by the Legislature every two years. Therefore, I submit the following members serving terms which expire June 22, 1977, for your consideration:

Robert Cox, Box 488, Scottsbluff
Leonard J. Schaefer, Box 34327, Omaha

Theodore C. Reeves, Route 1, Central City
Mrs. Betty Abbott, 6751 Leavenworth, Omaha
Richard Dugdale, 124 South 92nd, Omaha
Dale Sampson, Jr., Utica
Mrs. Margaret Sutherland, 1320 No. 79th, Lincoln

Sincerely,
(Signed) J. James Exon
Governor

JJE:sa

August 1, 1975

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President & Senators:

This is to inform your honorable body that I have made the following appointments to the Public Employees Retirement Board (3-year terms expiring January 1, 1978) requiring legislative confirmation:

Reappointment of Charles O. Morehouse, 601 So. Howard, Kimball
Appointment of Mrs. Margaret Sullivan, 300 W. Johnson, Clay Center

I respectfully submit these appointments for you consideration.

Sincerely,
(Signed) J. James Exon
Governor

JJE:sa

August 18, 1975

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President & Senators:

This is to inform your honorable body that I have made the following reappointment to the State Personnel Board requiring legislative confirmation:

FIRST DAY—OCTOBER 22, 1975

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Reappointment of Richard E. Person, 1122 Grant, Holdrege, to serve a 5-year term expiring August 4, 1980.

I respectfully submit this appointment for your consideration.

Sincerely,

(Signed) J. James Exon
Governor

JJE:sa

August 25, 1975

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President & Senators:

This is to inform your honorable body that I have made the following appointment to the Nebraska Investment Council requiring legislative confirmation:

Appointment of H. Jack Moors, 7100 Lincolnshire Road, Lincoln, for a 5-year term beginning September 18, 1975.

I respectfully submit this appointment for your consideration.

Sincerely,

(Signed) J. James Exon
Governor

JJE:sa

August 28, 1975

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President & Senators:

This is to inform your honorable body that I have made the following appointment to the Nebraska Investment Council requiring legislative confirmation:

Appointment of Glenn W. Chase, 2200 Van Dorn, Lincoln, for a 5-year

term beginning September 18, 1975

I respectfully submit this appointment for your consideration.

Sincerely,
(Signed) J. James Exon
Governor

JJE:sa

September 5, 1975

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President & Senators:

This is to inform your honorable body that I have made the following appointments to the State Highway Commission requiring legislative confirmation:

Reappointment of Merle Kingsbury, Ponca, for a 6-year term beginning September 14, 1975.

Appointment of Karl E. Dickinson, 1610 Brighton Ave., Lincoln, for a 6-year term beginning September 14, 1975.

I respectfully submit these appointments for you consideration.

Sincerely,
(Signed) J. James Exon
Governor

JJE:sa

August 4, 1975

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President & Senators:

This is to inform your honorable body that I have made the following appointment requiring Legislative confirmation:

FIRST DAY—OCTOBER 22, 1975

15

Jack Cleavenger, Lincoln, Nebraska, as Director of the Department of Public Institutions effective August 4, 1975, serving at the pleasure of the Governor.

I respectfully submit this appointment for you consideration.

Sincerely,
(Signed) J. James Exon
Governor

JJE:sa

August 21, 1975

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President & Senators:

This is to inform your honorable body that I have made the following appointment requiring Legislative confirmation:

E. Benjamin Nelson, Lincoln, Nebraska, as Director of the Department of Insurance effective September 1, 1975, serving at the pleasure of the Governor.

I respectfully submit this appointment for your consideration.

Sincerely,
(Signed) J. James Exon
Governor

JJE:sa

September 12, 1975

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President & Senators:

This is to inform your honorable body that I have made the following appointment requiring Legislative confirmation:

R. James Pearson, Norfolk, Nebraska, as Director of the Department of Motor Vehicles effective October 1, 1975, serving at the pleasure of the Governor.

I respectfully submit this appointment for you consideration.

Sincerely,
(Signed) J. James Exon
Governor

JJE:sa

September 17, 1975

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President & Senators:

This is to inform your honorable body that I have made the following reappointment to the Oil & Gas Conservation Commission requiring legislative confirmation:

Reappointment of Ray L. Smith, Chappell, Nebraska, for a 4-year term beginning September 28, 1975.

I respectfully submit this reappointment for your consideration.

Sincerely,
(Signed) J. James Exon
Governor

JJE:sa

September 17, 1975

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President & Senators:

This is to inform your honorable body that I have made the following reappointment to the Board of Educational Lands & Funds requiring legislative confirmation:

FIRST DAY—OCTOBER 22, 1975

17

Reappointment of Mr. Tom C. Allington, Sunol, Nebraska, for a 5-year term beginning October 1, 1975

I respectfully submit this reappointment for your consideration.

Sincerely,

(Signed) J. James Exon
Governor

JJE:sa

September 29, 1975

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President & Senators:

This is to inform your honorable body that I have made the following appointments to the State Electrical Board, in accordance with LB 525 passed during the 1975 session, which require Legislative confirmation:

Reappointments

Paul C. Schorr III, P.O. Box 1827, Lincoln, to serve a term ending September 13, 1976.

Ralph Crowl, 3412 So. 81st Ave., Omaha, to serve a term ending September 13, 1978

Norval Bowen, Box 6066 Elmwood Park Station, Omaha, to serve a term ending September 13, 1978

Edward R. Brandt, 612 "D" Street, Fairbury, to serve a term ending September 13, 1979

Weston Webb, P.O. 340, Grand Island, to serve a term ending September 13, 1979

Robert J. Chase, 5840 Vine St., Lincoln, to serve a term ending September 13, 1980

I respectfully submit these appointments for your consideration.

Sincerely,

(Signed) J. James Exon
Governor

JJE:sa

ANNOUNCEMENT

Mr. Carsten announced copies of the Governor's recommendations as prepared by Mr. Peters will be passed out to the members.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1. By F. Lewis, 45th District.

A BILL FOR AN ACT to amend section 77-2715.01, Revised Statutes Supplement, 1975, relating to taxation; to set the sales and income tax rates as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 2. By F. Lewis, 45th District.

A BILL FOR AN ACT to amend section 77-2703, Revised Statutes Supplement, 1974, and section 77-2715.01, Revised Statutes Supplement, 1975, relating to taxation; to provide that the Legislature shall set the income and sales tax rates; to provide for an annual report by the Tax Commissioner; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 3. By Speaker Burbach, 19th District, at request of Governor.

A BILL FOR AN ACT relating to state funds; to provide priorities for payments from the General Fund; to provide duties and procedures; to provide for the deferral of certain payments; to amend sections 77-27,136, 77-27,137, 77-27,137.01, and 79-1333, Reissue Revised Statutes of Nebraska, 1943, sections 77-202.22, 77-202.30, and 79-4,160, Revised Statutes Supplement, 1974, and sections 43-648 and 79-2651, Revised Statutes Supplement, 1975; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 4. By Speaker Burbach, 19th District, at the request of Governor.

A BILL FOR AN ACT to amend section 77-2715.01, Revised Statutes Supplement, 1975, relating to taxation; to provide standards for setting the 1976 sales and use tax rate; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 5. By Speaker Burbach, 19th District, at the request of Governor.

A BILL FOR AN ACT to provide for the compensation of employees, mileage of members, and for supplies and other incidental expenses incurred during the Eighty-fourth Legislature, First Special Session, 1975; to make an appropriation therefor; and to declare an emergency.

LEGISLATIVE BILL 6. By Speaker Burbach, 19th District, at the request of Governor.

A BILL FOR AN ACT relating to appropriations; to amend section 2, Legislative Bill 216, Eighty-fourth Legislature, First Session, 1975, sections 2 to 4, 6 to 9, and 11, Legislative Bill 603, Eighty-fourth Legislature, First Session, 1975, sections 2, 5 to 9, 11 to 16, and 18 to 20, Legislative Bill 604, Eighty-fourth Legislature, First Session, 1975, sections 3, 4, and 10, Legislative Bill 604, Eighty-fourth Legislature, First Session, 1975, with items reduced pursuant to authority granted by Article IV, section 15, of the Constitution of Nebraska, sections 2 to 9 and 11 to 13, Legislative Bill 605, Eighty-fourth Legislature, First Session, 1975, section 2, Legislative Bill 606, Eighty-fourth Legislature, First Session, 1975, sections 3 to 5, 8, 10, 12, 22, 26, and 27, Legislative Bill 607, Eighty-fourth Legislature, First Session, 1975, section 2, Legislative Bill 607, Eighty-fourth Legislature, First Session, 1975, with items reduced pursuant to authority granted by Article IV, section 15, of the Constitution of Nebraska, sections 2 to 4 and 6 to 10, Legislative Bill 610, Eighty-fourth Legislature, First Session, 1975, sections 11 to 15, Legislative Bill 610, Eighty-fourth Legislature, First Session, 1975, with items reduced pursuant to authority granted by Article IV, section 15, of the Constitution of Nebraska, section 16, Legislative Bill 610, Eighty-fourth Legislature, First Session, 1975, with items reduced or disapproved pursuant to authority granted by Article IV, section 15, of the Constitution of Nebraska, and section 10, Legislative Bill 612, Eighty-fourth Legislature, First Session, 1975; to reduce General Fund appropriations; to make an appropriation; to provide flexibility; to provide severability; to repeal the original sections; and to declare an emergency.

MOTION—Adjournment

Mr. F. Lewis moved to adjourn sine die.

Mr. Keyes requested a record vote.

Voting in the affirmative, 7:

Barnett
Luedtke

Bereuter
Simpson

Burrows

Chambers

F. Lewis

Voting in the negative, 36:

Anderson	Burbach	Carsten	Cavanaugh	Clark
Cope	Dickinson	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Johnson	Kennedy
Keyes	Kime	Koch	Kremer	R. Lewis
Mahoney	Maresh	Marsh	Marvel	Mills
Moylan	Murphy	Nichol	Rasmussen	Rumery
Schmit	Stull	Swigart	Syas	Warner
Wiltse				

Not voting, 6:

DeCamp	Duis	Kelly	Savage	Skarda
Stoney				

The motion lost with 7 ayes, 36 nays and 6 not voting.

MOTION—Suspend Rules

Mr. Barnett moved that we discuss only the bills submitted by the Governor during this emergency session.

Mr. Goodrich moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 8 nays and 13 not voting.

Mr. Barnett requested a roll call vote.

Voting in the affirmative, 31:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cope	Duis	Dworak	Hasebroock
Kennedy	Kime	Koch	Kremer	Luedtke
Mahoney	Maresh	Marvel	Moylan	Murphy
Nichol	Rasmussen	Rumery	Savage	Simpson
Skarda	Stull	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 16:

Cavanaugh	Chambers	Clark	Dickinson	Fitzgerald
Fowler	George	Goodrich	Johnson	Kelly
Keyes	F. Lewis	R. Lewis	Marsh	Mills
Schmit				

Not voting, 2:

DeCamp	Stoney
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The motion prevailed with 31 ayes, 16 nays and 2 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 7. By Schmit, 23rd District.

A BILL FOR AN ACT to amend section 29, Legislative Bill 609, Eighty-fourth Legislature, First Session, 1975, with items disapproved pursuant to authority granted by Article IV, section 15, of the Constitution of Nebraska, relating to appropriations for capital construction; to increase authority for veteran-care facilities; to appropriate funds; to repeal the original section; and to declare an emergency.

EASE

The Legislature was at ease from 3:57 p.m. to 4:43 p.m. for the Reference Committee to meet for referral of bills.

ANNOUNCEMENT

Mr. Mahoney announced the Audit Review Committee set for October 24, 1975 for all committee chairmen will be cancelled until further notice.

REFERENCE COMMITTEE REPORT

LB	Committee
3	Appropriations
4	Revenue
5	General File
6	Appropriations

(Signed) Eugene T. Mahoney, Chairman

UNANIMOUS CONSENT—Committee Hearings

Speaker Burbach asked unanimous consent to follow this schedule for the committee hearings on LB 3, LB 4 and LB 6.

Revenue - LB 4 - Rm. 1019 - Oct. 29,30 - 9:00 a.m. and 1:30 p.m.

Appropriations - LB 3, 6 - Rm. 1003 - Oct. 29, 30, 31 -
9:00 a.m. and 1:30 p.m.

No objections. So ordered.

ANNOUNCEMENT

Mr. Duis announced the Administrative Rules Committee will meet on October 25, 1975.

MOTION—Televised Hearings

Mr. Barnett moved to have the Appropriations Committee hearings covered by the Nebraska E.T.V. network.

Mr. Goodrich moved to amend the motion to include the Revenue Committee. The amendment prevailed with 21 ayes, 13 nays and 15 not voting.

Mr. Kelly moved to amend the Barnett motion as amended to strike any words requiring coverage and to make the same permissive.

The amendment prevailed with 24 ayes, 8 nays and 17 not voting.

Mr. Cavanaugh moved to amend the Barnett motion should ETV cover committee hearings in the Special Session ETV shall prepare a separate statement of cost of such coverage.

The amendment prevailed with 30 ayes, 8 nays and 11 not voting.

The Barnett motion as amended lost with 14 ayes, 27 nays and 18 not voting.

MOTION—Committee Hearings

Mr. Koch moved that the Appropriations Committee hold hearings in West Senate Chamber and Revenue Committee hold hearings in the East Chamber.

The motion prevailed with 26 ayes, 5 nays and 18 not voting.

ADJOURNMENT

At 5:11 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 10:00 a.m., Monday, November 3, 1975.

Vincent D. Brown
Clerk of the Legislature

SECOND DAY—NOVEMBER 3, 1975**LEGISLATIVE JOURNAL****EIGHTY-FOURTH LEGISLATURE
FIRST SPECIAL SESSION****SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, November 3, 1975

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Whelan presiding.

PRAYER

The Prayer was offered by the Chaplain.

Lord of our lives, wilt thou teach us true discrimination, that we may be able to discern the difference between faith and fatalism, between activity and accomplishment, between humility and an inferiority complex, between a passing salute to God, and a real prayer that seeks to find out God's will. We can stand criticism. We can stand a certain amount of pressure. But we cannot stand the necessity of making grave decisions with nothing but our own poor human wisdom. Our heads are not enough and our hearts fail us. Cabbages have heads, but they have no souls. We, who are created in the image of God, are restless and unhappy until we know that we are doing thy will by thy help. This is what we pray for, through Jesus Christ our Lord. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Skarda who was excused and Mr. Koch who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the First Day was approved.

UNANIMOUS CONSENT—Member Excused

Mr. Skarda asked unanimous consent to be excused November 3, 4, 5 and 6. No objections. So ordered.

MOTION—Time Schedule

Speaker Burbach moved we hold session on November 4, 5, 6 and 7 and then reconvene on November 12, 13 and 14, if necessary.

The motion prevailed with 28 ayes, 16 nays and 5 not voting.

STANDING COMMITTEE REPORTS

Appropriations

LEGISLATIVE BILL 6. Placed on General File as amended.

(Standing Committee amendments printed separate from the Journal and on File in the Clerk's office.)

LEGISLATIVE BILL 3. Placed on General File as amended.

AMENDMENTS TO LB 3

- 2 1. Strike original sections 1 to 21 and insert the
3 following:
4 "Section 1. That section 43-648, Revised Statutes
5 Supplement, 1975, be amended to read as follows:
6 43-648. Effective July 1, 1974, the State Depart-
7 ment of Education shall reimburse each school district for
8 ninety per cent of the excess cost of the special education
9 programs, as defined in section 43-645. The payments shall be
10 made by the State Department of Education to the resident
11 school district ~~on September 30, December 30, March 30, and~~
12 ~~June 30 in monthly installments between the third and fifteenth~~
13 ~~day of each month commencing in December, 1975. For the period~~
14 ~~commencing December 1, 1975 and ending June 30, 1976, the amount~~
15 ~~yet to be paid each school district shall be distributed in~~
16 ~~seven, as nearly as possible, equal payments. The State-~~
17 ~~Department of Education, in lieu of the March 30, 1975 payment,~~
18 ~~shall distribute a maximum of two million dollars from funds~~
19 ~~appropriated in subdivision (4) of section 4, Legislative Bill~~
20 ~~1053, Eighty-third Legislature, Second Session, 1974, to the~~
21 ~~school districts as provided in sections 1 to 3 of this act.~~
22 Sec. 2. That section 77-202.22, Revised Statutes
23 Supplement, 1974, be amended to read as follows:
1 77-202.22. The county treasurer shall, on or before
2 November 30 of each year, certify to the Tax Commissioner the
3 total tax revenue that will be lost to all taxing agencies
4 within his county because of exemptions from taxes levied and
5 assessed in that year because of exemptions allowed under the
6 provisions of sections 77-202.12 to 77-202.22. The county
7 treasurer may amend the certification to show any change or

8 correction in the total tax that will be lost until May 30 of
9 the next succeeding year. The Tax Commissioner shall, ~~on or be-~~
10 ~~fore January 31 next following such certification or within~~
11 ~~thirty days of any amendment to the certification,~~ direct the
12 Director of Administrative Services to draw his warrant on
13 the state treasury for the amount so certified against funds
14 appropriated for such purpose and deliver such warrant to the
15 county treasurer as follows: Payments on the amount certified
16 shall be made in monthly installments between the third and
17 fifteenth day of each month commencing in December, 1975. For
18 the period commencing December 1, 1975 and ending June 30, 1976,
19 the amount yet to be received by each county treasurer shall
20 be distributed in seven, as nearly as possible, equal payments,
21 except that seventy-five per cent of the amount yet to be trans-
22 ferred to (1) any county containing a metropolitan class city,
23 and (2) any metropolitan class city, shall be distributed on
24 or before the fifteenth day of January, 1976, and the remaining
25 twenty-five per cent shall be distributed in five, as nearly as
1 possible, equal payments between the third and fifteenth day of
2 each month commencing February, 1976. Out of the amount so
3 received the county treasurer shall distribute to each of the
4 taxing agencies within his county the amount so lost by such
5 agency, except that one per cent of such amount shall be deposited
6 in the county general fund; Provided, that the full amount due a
7 Class V school district shall be paid to the district and the
8 county shall be compensated pursuant to section 14-554. Each
9 taxing agency shall, in preparing its annual budget, take into
10 account the amount to be received under the provisions of this
11 section.

12 Sec. 3. That section 77-202.30, Revised Statutes
13 Supplement, 1974, be amended to read as follows:
14 77-202.30. Beginning November 1, 1973, and on
15 November 1 of each year thereafter, the State Treasurer shall
16 place so much of all funds collected by a general sales tax
17 and income tax into a special fund, to be known as the Per-
18 sonal Property Tax Relief Fund which is hereby created, as shall
19 equal sixty-five per cent of the total tax revenue lost to
20 all taxing agencies within the county from taxes levied and
21 assessed in 1972 because of exemptions allowed under the pro-
22 visions of sections 77-202.25 to 77-202.33 as certified each
23 year by the county assessor of each county to the State Treasurer
24 on or before November 1 of each year beginning November 1, 1973,
1 and on April 1, 1974, and on April 1 each year thereafter the
2 State Treasurer shall place the remaining thirty-five per cent
3 of the total tax revenue lost in the preceding year in such
4 fund. The Legislature shall annually review the total tax
5 revenue lost to all taxing agencies within the county and trans-
6 ferred to the county treasurers by the State Treasurer from the

7 Personal Property Tax Relief Fund. The money in the Personal
8 Property Tax Relief Fund shall be transferred by the State
9 Treasurer, ~~on or before December 15 of each year beginning December~~
10 ~~15, 1973, to the various county treasurers equal to sixty five~~
11 ~~per cent of the amount certified by the county assessor as pro-~~
12 ~~vided in this section, and the remaining thirty-five per cent~~
13 ~~of the amount so certified shall be so transferred on or before~~
14 ~~April 15 of each year beginning April 15, 1974 in the following~~
15 ~~manner: Payments on the amount certified by the county assessor,~~
16 ~~as provided in this section, shall be made in monthly install-~~
17 ~~ments between the third and fifteenth day of each month commenc-~~
18 ~~ing in December, 1975. For the period commencing December 1,~~
19 ~~1975 and ending June 30, 1976, the amount yet to be transferred~~
20 ~~to the county treasurers shall be distributed in seven, as nearly~~
21 ~~as possible, equal payments, except that seventy-five per cent~~
22 ~~of the amount yet to be transferred to (1) any county containing~~
23 ~~a metropolitan class city, and (2) any metropolitan class city,~~
24 ~~shall be distributed on or before the fifteenth day of January,~~
25 ~~1976, and the remaining twenty-five per cent shall be distributed~~
26 ~~in five, as nearly as possible, equal payments between the third~~
27 ~~and fifteenth day of each month commencing February, 1976.~~

1 The State Treasurer shall, on the first day of each month
2 commencing December 1, 1975, and ending June 30, 1976, transfer
3 from the General Fund to the Personal Property Tax Relief Fund
4 the amount necessary to make the monthly payment required by this
5 section. The State Treasurer shall transfer any amount remaining
6 in the Personal Property Tax Relief Fund after the fifteenth day
7 of each such month to the General Fund. Out of the amount so
8 received, the county treasurer shall retain one per cent thereof
9 and then shall distribute the remainder to each of the taxing
10 agencies within his county.

11 Each taxing agency shall, in preparing its annual
12 budget, take into account the revenue to be received under the
13 provisions of this section.

14 Sec. 4. That section 77-27,137, Reissue Revised
15 Statutes of Nebraska, 1943, be amended to read as follows:
16 77-27,137. Of the money in the Governmental Sub-
17 division Fund, four million, six hundred thousand dollars shall
18 be transferred by the State Treasurer, ~~on or before the third~~
19 ~~Monday in January each year commencing in 1972, to the various~~
20 county treasurers of the state as follows:

21 (1) Fifty per cent on the basis of the ratio of
22 the population of the particular county to the population of
23 the entire state as determined by the latest federal census; and

24 (2) Fifty per cent on the basis of the ratio of
25 the valuation of real estate in the particular county to the
26 valuation of real estate in the entire state, as certified

1 by the respective county assessors to the Tax Commissioner in
2 the abstract of the assessment rolls and as equalized by the
3 State Board of Equalization and Assessment.

4 Such payments shall be made in monthly installments
5 between the third and fifteenth day of each month commencing
6 in December, 1975. For the period commencing December 1, 1975
7 and ending June 30, 1976, the amount yet to be transferred to
8 the county treasurers shall be distributed in seven, as nearly as
9 possible, equal payments, except that seventy-five per cent of
10 the amount yet to be transferred to (1) any county containing a
11 metropolitan class city, and (2) any metropolitan class city,
12 shall be distributed on or before the fifteenth day of January,
13 1976, and the remaining twenty-five per cent shall be distributed
14 in five, as nearly as possible, equal payments between the third
15 and fifteenth day of each month commencing February, 1976. The
16 State Treasurer shall, on the first day of each month commencing
17 December 1, 1975, and ending June 30, 1976, transfer from the
18 General Fund to the Personal Property Tax Relief Fund the amount
19 necessary to make the monthly payment required by this section.
20 The State Treasurer shall transfer any amount remaining in the
21 Personal Property Tax Relief Fund after the fifteenth day of each
22 such month to the General Fund.

23 The proceeds of the Governmental Subdivision Fund
24 received by the various county treasurers shall be credited
25 to the general fund of the county.

26 Sec. 5. That section 77-27,137.01, Reissue Revised
27 Statutes of Nebraska, 1943, be amended to read as follows:

1 77-27,137.01. The balance remaining in the Govern-
2 mental Subdivision Fund after making the transfer provided for
3 in section 77-27,137 shall be allocated by the State Treasurer
4 to the various counties, for distribution to the incorporated
5 municipalities therein. Such allocation shall be made in the manner
6 provided in section 77-27,137. After making such allocation, the
7 The State Treasurer shall, on the third Monday of each year
8 commencing in 1972, distribute the amount, so allocated to each
9 county, among the incorporated municipalities within the
10 county on the ratio of the population of the particular incorpor-
11 ated municipality to the total population of all incorporated
12 municipalities in the county as determined by the latest federal
13 census, which amounts shall be placed in the general fund of
14 such municipalities. Such payments and distributions shall
15 be made in the manner provided in section 77-27,137.

16 Sec. 6. That section 79-1333, Reissue Revised
17 Statutes of Nebraska, 1943, be amended to read as follows:

18 79-1333. All state financial assistance to districts
19 pursuant to sections 79-1330 to 79-1344 shall be based upon the

20 annual financial reports of such districts as required by
21 section 79-451, and shall be paid in the following manner:
22 ~~One fourth on September 30, one fourth on January 15, one~~
23 ~~fourth on March 15 and one fourth on May 15~~ monthly installments
24 between the third and fifteenth day of each month commencing in
25 December, 1975. For the period commencing December 1, 1975 and
26 ending June 30, 1976, the amount yet to be paid each school

1 district shall be distributed in seven, as nearly as possible,
2 equal payments. Such reports shall be submitted to the State
3 Board of Education by Class I, II, III, or VI school districts
4 on or before the first day of September of each year, and by
5 Class IV and V school districts on or before the first day of
6 November of each year. When any Class I, II, III, or VI school
7 district fails to submit its report by the first day of Sep-
8 tember, any state assistance granted pursuant to sections 79-1330
9 to 79-1344 shall be based on the amount granted for the previous
10 fiscal year, and shall be reduced by ten per cent of that amount,
11 and when any such district fails to submit its report by the
12 first day of October, it shall forfeit all assistance pursuant
13 to sections 79-1330 to 79-1344 for that year. When any Class
14 IV or V school district fails to submit its report by the first
15 day of November any state assistance granted pursuant to
16 sections 79-1330 to 79-1344 shall be based on the amount granted
17 for the previous fiscal year, and shall be reduced by ten per
18 cent of that amount, and when any such district fails to submit
19 its report by the fifteenth day of November, it shall forfeit all
20 assistance pursuant to sections 79-1330 to 79-1344 for that year.

21 Sec. 7. That section 79-4,160, Revised Statutes
22 Supplement, 1974, be amended to read as follows:

23 79-4,160. In addition to any funds which may be appro-
24 priated to the School Foundation and Equalization Fund, there
25 may be other funds appropriated to the State Department of
26 Education to be distributed such that every district in the state
1 receives the same amount of funds per unit of average daily
2 membership as every other district, which distribution shall be
3 based upon average daily membership as defined by the State Depart-
4 ment of Education for the regular school year. Distribution of
5 funds under this section shall be made as follows: ~~One fourth~~
6 ~~on September 30, one fourth on January 15, and one fourth on~~
7 ~~March 15, Monthly payments between the third and fifteenth day~~
8 ~~of each month commencing in December, 1975. For the period~~
9 ~~commencing December 1, 1975 and ending June 30, 1976, the~~
10 ~~amount yet to be paid each school district shall be distributed~~
11 ~~in seven, as nearly as possible, equal payments, which three~~
12 ~~distributions shall be based upon average daily membership for~~
13 ~~the previous school year. The final one fourth two monthly~~

14 payments shall not be expended but shall be adjusted on or
15 before July 31 so that the total distributions for the year
16 reflect the actual average daily membership for the current year
17 which shall be determined from reports filed by each school
18 district by June 30. If any district shall fail to file such
19 report by June 30 that district's share of the final ~~one-fourth~~
20 ~~two month~~ distribution shall be forfeited and the final ~~one-fourth~~
21 ~~two month~~ distribution shall be made without consideration of
22 the average daily membership of those districts failing to report
23 by June 30. The final ~~one-fourth~~ ~~two month~~ distribution shall
24 be made on or before July 31. Such funds shall not be considered
25 in the computation of state aid under the provisions of sections
26 79-1330 to 79-1340 and 79-1342 to 79-1344.

1 Sec. 8. That original sections 77-27,137, 77-27,137.01,
2 and 79-1333, Reissue Revised Statutes of Nebraska, 1943,
3 sections 77-202.22, 77-202.30, and 79-4,160 Revised Statutes
4 Supplement, 1974, and section 43-648, Revised Statutes Supplement,
5 1975, are repealed.

6 Sec. 9. Since an emergency exists, this act shall
7 be in full force and take effect, from and after its passage
8 and approval, according to law."

9 2. In the title strike lines 2 to 13 and insert the
10 following:

11 "FOR AN ACT relating to state funds; to provide for monthly
12 payments from such funds as prescribed; to provide
13 for more rapid distribution of certain payments; to
14 provide duties of the State Treasurer; to amend sections
15 77-27,137, 77-27,137.01, and 79-1333, Reissue Revised
16 Statutes of Nebraska, 1943, sections 77-202.22,
17 77-202.30, and 79-4,160, Revised Statutes Supplement,
18 1974, and section 43-648, Revised Statutes Supple-
19 ment, 1975; to repeal the original sections; and to
20 declare an emergency."

(Signed) Richard D. Marvel, Chairman

Revenue

LEGISLATIVE BILL 4. Placed on General File as amended.
Standing Committee amendment to LB 4:

1. On page 6, line 11 after "rate" insert
"and the 1976 individual income tax rate".

(Signed) Calvin F. Carsten, Chairman

GENERAL FILE

LEGISLATIVE BILL 5. Title read. Considered.

Advanced to E & R for Review with 41 ayes, 2 nays and 6 not voting.

LEGISLATIVE BILL 6. Title read. Considered.

Standing Committee amendments referred to in this day's Journal were discussed.

Mr. Duis offered the following amendment:

Strike line 2 of Committee amendments and add to LB 6 the Committee amendments.

The Chair ruled the amendment in order.

Mr. Cavanaugh objected.

Mr. Duis asked unanimous consent to withdraw the amendment. No objections. So ordered.

Mr. F. Lewis moved to bracket LB 6 until LB 3 has been discussed. The motion lost with 18 ayes, 25 nays and 6 not voting.

NOTICE OF COMMITTEE HEARING
Committee on Committees

November 3, 1975

The Committee on Committees will meet at 12:00 Noon, Tuesday, November 4, 1975, in the Legislative Council Hearing Room, Room 2102, for the purpose of hearing appointments or reappointments by Governor J. J. Exon as follows:

E. Benjamin Nelson - Director, Department of Insurance
Mrs. Sally Bates
Public Welfare Institutions & Corrections Advisory Committee
Mr. Glenn W. Chase - Nebraska Investment Council
Mr. Forrest F. "Woody" Combs - Motor Vehicle Industry Licensing Board
Mr. Karle E. Dickinson - State Highway Commission
Mr. Richard E. Person - State Personnel Board
Mr. Benjamin M. Wall - Court of Industrial Relations
Mr. Phil Weaver - Liquor Control Commission
Mr. Ed Crowley
Public Welfare, Institutions & Corrections Advisory Committee

November 3, 1975

The Committee on Committees will meet at 12:00 Noon, Wednesday, November 5, 1975, in the Legislative Council Hearing Room, Room 2102, for the purpose of hearing appointments or reappointments by Governor J. J. Exon as follows:

Jack Cleavenger - Director, Department of Public Institutions
 Norval Bowen - State Electrical Board
 Ed Brandt - State Electrical Board
 Robert J. Chase - State Electrical Board
 Ralph Crowl - State Electrical Board
 Paul C. Schorr, III - State Electrical Board
 Weston Webb - State Electrical Board
 L. E. Donegan - Environmental Control Council
 Paul F. Harm - Environmental Control Council
 David H. Smith - Environmental Control Council
 Richard A. Veach - Environmental Control Council
 Merle Kingsbury - State Highway Commission

November 3, 1975

The Committee on Committees will meet at 12:00 Noon, Thursday, November 6, 1975, in the Legislative Council Hearing Room, Room 2102, for the purpose of hearing appointments or reappointments by Governor J. J. Exon as follows:

R. James Pearson - Director of Department of Motor Vehicles
 Tom C. Allington - Educational Lands & Funds
 Wendell Gangwish - Nebraska Environmental Control Council
 John T. Harris - Nebraska Environmental Control Council
 Martin Kahle - Nebraska Environmental Control Council
 Dr. James H. Walston - Nebraska Environmental Control Council
 Charles O. Morehouse - Public Employees Retirement Board
 Ray L. Smith - Oil & Gas Conservation Commission
 Margaret Sullivan - Public Employees Retirement Board

(Signed) John S. Savage, Chairman

RESOLUTION

84th Legislature, First Special Session

LEGISLATIVE RESOLUTION 1.

Introduced by Luedtke, 28th District.

WHEREAS, the late George C. Gerdes was an individual whose name became symbolic of truly great Nebraskans in his service to the Legislature of the state; and

WHEREAS, he served as Executive Director of the Nebraska Legislative Council, a member of the Nebraska Legislature from 1958 to 1968, was a recipient of the University of Nebraska, Nebraska Builders Award, was voted Most Able Nebraska Legislator by his fellow Senators in 1967, and devoted much time to progressive agricultural organizations such as the Nebraska Wheat Growers Association; and

WHEREAS, the name of such a man deserves a lasting tribute to the statesman who bore it; and

WHEREAS, the State Office Building now under construction is as yet without an appropriate name.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SPECIAL SESSION:

That the newly constructed State Office Building be named the George C. Gerdes Building in memory of one who contributed so much to the state he served so well.

Laid over.

NOTICE OF COMMITTEE HEARING
Audit Review Committee

Wednesday, November 5, 1975, Room 1019

12:00 Noon

(Signed) Eugene T. Mahoney

RECESS

At 11:59 a.m., on a motion by Speaker Burbach, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:31 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Mr. Skarda who was excused and Mr. Koch who was excused until he arrives.

UNANIMOUS CONSENT—Members Excused

Messrs. Luedtke and Hasebroock asked unanimous consent to be excused at 3:00 p.m. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 6. Considered.

Mr. Marvel asked unanimous consent to divide the question on the Standing Committee Amendments.

Mr. George objected.

Mr. Marvel moved to divide the question. The motion prevailed with 32 ayes, 2 nays and 15 not voting.

Mr. Marvel moved the adoption of the first part of the Standing Committee Amendment, to strike sections 1 through 69.

Speaker Burbach moved the previous question. The question is, "Shall the debate now close?" The motion lost with 19 ayes, 24 nays and 6 not voting.

Mr. Savage moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 8 nays and 16 not voting.

The Marvel motion to adopt the first part of Standing Committee Amendment to strike sections 1 through 69 was renewed.

The Chair ruled the motion to adopt in order at this time.

Mr. Cavanaugh appealed the decision of the Chair. The question is, "Shall the Chair be overruled?" The motion lost with 6 ayes, 32 nays and 11 not voting.

The Marvel motion to adopt first part of Standing Committee Amendments to strike sections 1 through 69 lost with 15 ayes, 27 nays and 7 not voting.

SPEAKER BURBACH PRESIDING**EASE**

The Legislature was at ease from 3:33 p.m. until 3:35 p.m.

GENERAL FILE

LEGISLATIVE BILL 6. Considered.

Mr. Marvel offered the following amendments to the Standing Committee Amendments.

Amendments to Committee Amendments to L.B. 6

1. Insert a new section 39 to read as follows:

"Sec. 39. That section 7, Legislative Bill 604, Eighty-fourth Legislature, First Session, 1975, be amended to read as follows:

Sec. 7. Agency No. 16 -- Department of Revenue

(1) Program No. 102 -- Revenue Administration

GENERAL FUND ~~4,531,985~~

2,450,985

CASH FUND 775,700

REVENUE SHARING

TRUST FUND 2,081,000

PROGRAM TOTAL 5,307,685

There is included in the amount shown \$25,000 General Funds for two additional research analysts in the research division.

(2) Program No. 105 -- Property Tax Administration

GENERAL FUND 348,700

REVOLVING FUND 500,000

PROGRAM TOTAL 848,700

(3) Program No. 106 -- Energy Office Administration

GENERAL FUND 81,950

PROGRAM TOTAL 81,950

The unexpended General Fund balance existing on June 30, 1975, is hereby reappropriated which amount shall be in addition to the amount shown.

(4) Program No. 108 -- Reimbursements to Local Governments

GENERAL FUND 17,800,000

PROGRAM TOTAL 17,800,000

For Informational Purposes Only: Total Appropriations to Agency No. 16 and Fund Source

GENERAL FUND ~~22,762,635~~

20,681,635

CASH FUND 775,700

REVOLVING FUND 500,000

REVENUE SHARING

TRUST FUND 2,081,000

AGENCY TOTAL 24,038,335".

2. On page 23, line 26 after "1975," insert "section 7, Legislative Bill 604, Eighty-fourth Legislature, First Session, 1975,".

3. On page 24, line 11 after the first semicolon insert "to reduce General Fund appropriations;"

4. On page 25, line 1 after "1975," insert "section 7, Legislative Bill 604, Eighty-fourth Legislature, First Session, 1975,".

5. Renumber original sections 39 to 40 as sections 39 and 40, respectively.

The amendments were adopted with 35 ayes, 0 nays and 14 not voting.

The remaining Standing Committee Amendments, as amended, were adopted with 34 ayes, 5 nays and 10 not voting.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Swigart asked unanimous consent to be excused at 4:00 p.m. No objections. So ordered.

Mr. George offered the following amendments:

Amendment to LB 6

(1) Add a new section to read as follows:

"Sec. ____ . That original section 8, Legislative Bill 603, Eighty-fourth Legislature, First Session, 1975, be amended to read as follows:

Sec. 8. Agency No. 55 -- Nebraska Natural Resources Commission

(1) Program No. 044 - Departmental Administration

GENERAL FUND	151,446
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PROGRAM TOTAL	151,446
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The General Fund appropriation of \$1,000,000 to Program No. 044 for the Nebraska Natural Resources Development Fund for fiscal year 1975-76, made by subsection (1) of section 39, Legislative Bill 997, Eighty-third Legislature, Second Session, 1974, is hereby lapsed to the General Fund on the effective date of this act.

(2) Program No. 303 - State Aid - Small Watersheds

GENERAL FUND	99,953
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CASH FUND	679,779
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PROGRAM TOTAL	779,732
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(3) Program No. 307 - Resources Development Fund

GENERAL FUND	1,021,498	<u>21,498</u>
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PROGRAM TOTAL	1,021,498	<u>21,498</u>
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The unexpended General Fund balance existing on June 30, 1975, in the Resources Development Fund, Program No. 044, is hereby reappropriated to Program No. 307, pursuant to the provisions of section 2-3264, Revised Statutes Supplement, 1974, which amount is hereby appropriated and is in addition to the amount shown.

(4) Program No. 334 - Soil and Water Conservation

GENERAL FUND	721,295
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CASH FUND	18,200	
FEDERAL FUND est.	95,134	
PROGRAM TOTAL	834,629	
For Informational Purposes Only: Total Appropriations to Agency No. 55 and Fund Source		
GENERAL FUND	1,994,192	<u>994,192</u>
CASH FUND	697,979	
FEDERAL FUND est.	95,134	
AGENCY TOTAL	2,787,305	<u>1,787,305</u>

That original section 8, Legislative Bill 603, Eighty-fourth
Legislature, First Session, 1975, be repealed."

MR. SAVAGE PRESIDING

The George amendments lost with 9 ayes, 24 nays and 16 not voting.

Mr. Cavanaugh moved to bracket LB 6.

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 25 ayes, 4 nays and 20 not voting.

The Call showed 43 members present.

Mrs. Marsh moved the Call be raised. The motion prevailed with 30 ayes, 0 nays and 19 not voting.

The motion to bracket prevailed with 25 ayes, 15 nays and 9 not voting.

PRESIDENT WHELAN PRESIDING

MESSAGES FROM THE GOVERNOR

October 24, 1975

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President & Senators:

Please disregard my letter of August 25, requesting Legislative confirmation for H. Jack Moors' appointment to the Nebraska Investment Council.

Due to a conflict Mr. Moors was unable to accept the position and therefore confirmation will not be required.

Sincerely,
(Signed) J. James Exon
Governor

JJE:sa

October 24, 1975

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President & Senators:

This is to inform your honorable body that I have made the following appointments to the Agricultural Products Industrial Utilization Committee:

4-year terms ending July 1, 1975

Reappointment of Gary Shults, 5131 Clair Avenue, Lincoln
Reappointment of Holly Hodge, 1111 Hill, Holdrege
Reappointment of Robert Rauner, 1520 King, Sidney
Reappointment of Ronald Kelly, 623 Emerson, Alliance

2-year terms ending July 1, 1977

Reappointment of John Sullivan, Wallace, Nebraska
Reappointment of Jack Quackenbush, 815 North 8th, Beatrice

I respectfully submit these appointments for your consideration.

Sincerely,
(Signed) J. James Exon
Governor

JJE:sa

October 28, 1975

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President & Senators:

This is to inform your honorable body that I have made the following appointments to the Board of Public Roads Classifications & Standards

(5-year terms expiring November 3, 1980) requiring legislative confirmation:

Reappointment of Mr. Don Swing, Dept. of Roads, Lincoln
Reappointment of Mr. R. Doyle Hanson, Newcastle
Reappointment of Norman A. Magnusson, 2006 Tulip Lane, Bellevue
Reappointment of Terrance E. Pesek, 23500 Dodge St., Omaha
Reappointment of Joseph J. Cascio, 1620 South 10th, Omaha
Reappointment of J. R. McBride, 148 West 1st, Minden
Appointment of Donald Hyde, 415 E. Braasch, Norfolk

I respectfully submit these appointments for your consideration.

Sincerely,
(Signed) J. James Exon
Governor

JJE:sa

October 30, 1975

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President & Senators:

This is to inform your honorable body that I have made the following appointments to the Advisory Committee to the Department of Economic Development:

4-year term ending July 1, 1979

W. W. Cook, Sr., 723 No. 7th, Beatrice (Reappointment)
William A. Spitzenberger, 2223 Dodge Street, Omaha (Reappointment)
John W. Cattle, Sr., 1144 North 5th, Seward (Appointment)
Ed Loutzenheiser, 1135 Oswego, Hastings (Appointment)

I respectfully submit these appointments for your consideration.

Sincerely,
(Signed) J. James Exon
Governor

JJE:sa

ADJOURNMENT

At 4:04 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Tuesday, November 4, 1975.

Vincent D. Brown
Clerk of the Legislature

THIRD DAY—NOVEMBER 4, 1975

LEGISLATIVE JOURNAL

**EIGHTY-FOURTH LEGISLATURE
FIRST SPECIAL SESSION**

THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, November 4, 1975

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The Prayer was offered by the Chaplain.

Our Father, we know that we, by ourselves, are not sufficient for these days and for problems greater than the measure of our best wisdom. May we here be aware of the unseen delegate. May Thy spirit move among us, that there may be concession without coercion, and conciliation without compromise. May these senators, who represent us, represent Thee and, in Thy spirit be courageous enough to begin anew, fearless enough to admit mistakes, and loving enough to forgive others. May we have the courage to apply what we applaud, to the end that we may help to establish Thy way of life for the people of this state. So may we all do the best we can, by Thy help, and be willing to leave the issue in Thy hands, through Jesus Christ our Lord. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Skarda who was excused, Messrs. F. Lewis, Schmit and Koch who were excused until they arrive, and Mr. Chambers who was absent until 9:30 a.m., and Mr. DeCamp who was absent until 9:35 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Second Day was approved.

GENERAL FILE

LEGISLATIVE BILL 4. Title read. Considered.
Standing Committee amendment found in the Journal on page 29 for the Second Day was adopted with 32 ayes, 0 nays and 17 not voting.

Mr. Burrows offered the following amendment:

AMENDMENT TO LB 4

Eighty-Fourth Legislature, First Special Session

1. On page 2, line 11, strike "twelve" and insert "~~twelve~~
thirteen".

2. On page 6, line 16, after "or" strike "any" and insert "up to two and one half per cent of the".

The amendment lost with 2 ayes, 29 nays and 18 not voting.

Mr. George offered the following amendment:

To change "overlay" on line 16, page 6, to "overlevy".

The amendment was adopted with 27 ayes, 0 nays and 22 not voting.

Speaker Burbach offered the following amendments:

1. On page 4, lines 1 and 2, strike the new matter and reinstate the stricken matter; and in line 10 insert ", except that, in setting the rates for calendar year 1976, such excess shall be not less than three per cent" after "subsection".

2. On page 6, strike lines 11 to 17 as amended.

The amendments were adopted with 26 ayes, 16 nays and 7 not voting.

Mr. F. Lewis offered the following amendments:

1 Amend the first paragraph of Section 77-2703, Revised Statutes Supplement, 1974, be amended to read as follows:

3 77-2703. (1) There is hereby imposed a tax of
4 two per cent upon the gross receipts from all sales of
5 tangible personal property sold at retail in this state,
6 the gross receipts of every person engaged as a public
7 utility or as a community antenna television service
8 operator, and the gross receipts from the sale of
9 admissions in this state as set by the Legislature.

10 ~~until January 1, 1970, and on and after such date the~~

11 ~~rate shall be that which is set by the State Board of~~

12 ~~Equalization and Assessment as provided in section~~

13 ~~77-2715.01.~~ When there is a sale, as defined in
14 subdivision (13) of section 77-2702, after March 26,
15 1974, the tax shall be imposed at the rate in effect at
16 the time the gross receipts are realized under the
17 accounting basis used by the retailer to maintain his
18 books and records.

2. On page 2, line 3 after "(1)" insert "The Legislature" and strike beginning with "On" in line 3 through "Assessment" in line 4 and show as stricken; in line 6 after "77-2715" insert "." and

strike beginning with "for" in line 6 through the period in line 10 and show as stricken; in line 10 strike "1975" and insert "1975-1976"; in line 11 strike "not exceed twelve" and show as stricken and insert "be thirteen"; in line 12 after "cent" insert "and the sales tax rate shall be two and one half per cent"; in line 12 after the period insert "Such sales and income tax rates shall remain in force until changed by the Legislature."; and in lines 19 and 20 strike "State Board of Equalization and Assessment" and show as stricken and insert "Legislature".

3. On page 3 in lines 1 and 2 strike "State Board of Equalization and Assessment" and show as stricken and insert "Legislature"; in line 14 strike "such board" and insert "such board the Legislature"; and in lines 16 and 22 strike "board" and insert "board Legislature".

4. On page 4, line 2 strike "board" and insert "board Legislature".

5. On page 5, line 2 strike "by the board" and show as stricken; and strike lines 10 to 26 and show as stricken.

6. On page 6, line 1 strike "In the event the board" and show as stricken and insert "(2) If the Legislature" and in line 1 after "determines" insert "that"; in line 2 strike "such" and insert "such any"; and in line 12 strike "State Board of Equalization and Assessment" and insert "Legislature".

7. On page 6 after line 17 insert the following new section:

"Sec. 3. The Tax Commissioner shall, on November 15 of each year report to the Legislature (1) all receipts credited to the General Fund, identified by major source, for each of the immediately preceding twenty-four months, (2) a forecast, identified by major source, of all receipts to be credited to the General Fund for each of the immediately succeeding twenty-four months, and (3) all significant changes in the provisions of the Internal Revenue Code of 1954, and amendments thereto, and other provisions of the laws of the United States relating to federal income taxes or the rules and regulations issued under such laws."

8. On page 6, line 18 after "section" insert "77-2703, Revised Statutes Supplement, 1974, and section"; and in line 19 strike "is" and insert "are".

9. Renumber original sections 1, 2, and 3 as sections 2, 4, and 5 respectively.

Mr. Warner raised a point of order on whether the F. Lewis amendment is within the Call of the Governor.

The Chair ruled the amendment was in order.

Mr. Kelly raised a point of order that the F. Lewis amendment is not included in the Barnett motion adopted on page 20 of the Legislative Journal.

The Chair ruled the Kelly point out of order. The Chair stated the Barnett motion applied to that particular day only.

Mr. Kelly appealed the decision of the Chair. The question is, "Shall the Chair be overruled?" The motion lost with 6 ayes, 26 nays and 17 not voting.

Mr. F. Lewis moved the adoption of his amendments 1, 3, 4, 5 and 6.

Mr. F. Lewis requested a record vote.

Voting in the affirmative, 18:

Anderson	Barnett	Burrows	Cavanaugh	Chambers
DeCamp	Fitzgerald	Fowler	Goodrich	Hasebroock
Kennedy	F. Lewis	Mahoney	Maresh	Mills
Rumery	Savage	Swigart		

Voting in the negative, 27:

Bereuter	Burbach	Carsten	Clark	Cope
Dickinson	Dworak	George	Johnson	Kelly
Keyes	Kime	Kremer	R. Lewis	Luedtke
Marsh	Marvel	Murphy	Nichol	Rasmussen
Schmit	Simpson	Stoney	Stull	Syas
Warner	Wiltse			

Not voting, 4:

Duis	Koch	Moylan	Skarda
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The amendments 1, 3, 4, 5, and 6 lost with 18 ayes, 27 nays and 4 not voting.

Remaining amendments pending.

NOTICE OF COMMITTEE HEARING Committee on Committees

November 4, 1975

The Committee on Committees will meet at 12:00 Noon, Friday, November 7, 1975, in the Legislative Council Hearing Room, Room 2102,

for the purpose of hearing appointments or reappointments by Governor J. J. Exon as follows:

Gary Shults – Agricultural Products Industrial Utilization
Holly Hodge – Agricultural Products Industrial Utilization
Robert Rauner – Agricultural Products Industrial Utilization
Ronald Kelly – Agricultural Products Industrial Utilization
John Sullivan – Agricultural Products Industrial Utilization
Jack Quackenbush – Agricultural Products Industrial Utilization

(Signed) John S. Savage, Chairman

CORRECTED NOTICE OF COMMITTEE HEARING

The Legislative Audit Review Committee gives notice that the Committee will meet today, November 4, 1975 at 12:00 noon in Room 1019 rather than November 5, 1975 as previously announced.

(Signed) Eugene T. Mahoney
Chairman, Exec. Board

SELECT COMMITTEE REPORT Enrollment and Review

LEGISLATIVE BILL 5. Placed on Select File.

(Signed) Donald N. Dworak, Chairman

UNANIMOUS CONSENT—Bracket LB 5 on Select File

Speaker Burbach asked unanimous consent to bracket LB 5 on Select File.

Mr. Fowler objected.

RECESS

At 12:01 p.m., on a motion by Speaker Burbach, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Mr. Skarda who was excused and Mr. Koch who was excused until he arrives.

GENERAL FILE

LEGISLATIVE BILL 4. Considered.

Mr. F. Lewis renewed his pending amendment No. 2 found on page 41 in this day's Journal.

Mr. F. Lewis asked unanimous consent to bracket LB 4 with pending amendments.

Mr. Stull objected.

Mr. F. Lewis moved to bracket LB 4 with pending amendments.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays and 20 not voting.

The F. Lewis motion to bracket lost with 6 ayes, 33 nays and 10 not voting.

The F. Lewis pending amendment No. 2 lost with 6 ayes, 32 nays and 11 not voting.

Mr. F. Lewis asked unanimous consent to withdraw his remaining amendments Nos. 7, 8 and 9 found in this day's Journal on page 42. No objections. So ordered.

Mr. Cavanaugh offered the following amendment:

Amend Burbach amendment

Strike 3 per cent add one per cent on page 6 reinstate line 11-17.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 6 nays and 17 not voting.

Mr. Cavanaugh requested a record vote on the amendment.

Voting in the affirmative, 16:

Anderson	Cavanaugh	DeCamp	Fitzgerald	Fowler
George	Goodrich	Johnson	Kennedy	Keyes
F. Lewis	Mahoney	Maresh	Mills	Moylan
Rumery				

Voting in the negative, 24:

Barnett	Bereuter	Burbach	Burrows	Clark
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Cope	Duis	Dworak	Hasebroock	Kelly
Kime	Kremer	Luedtke	Marsh	Marvel
Murphy	Nichol	Rasmussen	Schmit	Stull
Swigart	Syas	Warner	Wiltse	

Not voting, 9:

Carsten	Chambers	Dickinson	Koch	R. Lewis
Savage	Simpson	Skarda	Stoney	

The amendment lost with 16 ayes, 24 nays and 9 not voting.

Advanced to E & R for Review with 29 ayes, 12 nays and 8 not voting.

UNANIMOUS CONSENT—Members Excused

Mr. Marvel asked unanimous consent to be excused at 3:00 p.m. for the balance of the day. No objections. So ordered.

Mr. Anderson asked unanimous consent to be excused at 3:00 p.m. today and tomorrow until he arrives. No objections. So ordered.

MOTION—Suspend Rules

Mr. Cavanaugh moved to suspend the rules, Rule 6, Sec. 2 and 3, to advance LB 3, LB 4 and LB 6 to Select File.

Mr. Barnett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 32 ayes, 5 nays and 12 not voting.

The Cavanaugh motion to suspend the rules lost with 13 ayes, 26 nays and 10 not voting.

UNANIMOUS CONSENT—Members Excused

Mr. Moylan asked unanimous consent to be excused at 3:00 p.m. today and until he arrives in the morning. No objections. So ordered.

Mr. Kelly asked unanimous consent to be excused at 3:00 p.m. today. No objections. So ordered.

Mr. Chambers asked unanimous consent to be excused at 2:45 p.m. today. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 3. Title read. Considered.

Standing Committee amendments found in the Journal on page 24 for the Second day were considered.

Standing Committee amendment to Section 1 was adopted with 32 ayes, 0 nays and 17 not voting.

The remaining Standing Committee amendments were adopted with 36 ayes, 0 nays and 13 not voting.

Advanced to E & R for Review with 42 ayes, 0 nays and 7 not voting.

UNANIMOUS CONSENT—Bracket LB 5

Speaker Burbach asked unanimous consent to bracket LB 5 on Select File. No objections. So ordered.

MOTION—Unbracket LB 6

Speaker Burbach moved to unbracket LB 6 on General File. The motion prevailed with 30 ayes, 2 nays and 17 not voting.

GENERAL FILE

LEGISLATIVE BILL 6. Considered.

Mr. Schmit offered the following amendments:

1. Strike original sections, 2, 5, 13, 15, 19, 20, 25, 34, 40, 41, 42, 47, 51, 52, 58, 59, 60, 61 and 66 and renumber remaining sections accordingly.

2. On page 149, line 13 strike "2 to" and insert "3," and strike "6" and insert "7"; in line 15 strike "5 to" and insert "6, 8," strike "11" and insert "13" and strike "and 18 to" and insert "19 and"; in line 24 strike "3 to", strike "22,"; and strike beginning with "section" in line 25 through line 27.

3. On page 150 strike line 1; and in line 2 strike "Nebraska," and after "2" insert "," and strike "to 4".

Mr. Stull offered the following amendment to the Schmit amendment:
to amend the Schmit amendment by also striking Sec. 53, 54, 55, 56, 57.

The amendment was adopted with 23 ayes, 9 nays and 17 not voting.

Mr. Luedtke offered the following amendment to the Schmit amendment:
to amend Senator Schmit's amendment by inserting sections 10 and 11.

The amendment was adopted with 20 ayes, 13 nays and 16 not voting.

Mr. Mahoney offered the following amendment to the Schmit amendment:
Strike Section 1.

The amendment was adopted with 25 ayes, 13 nays and 11 not voting.

Mr. F. Lewis offered the following amendment to the Schmit amendment:
the 3% cut will not apply to Mental Retardation Program in section 31.

The amendment was adopted with 27 ayes, 4 nays and 18 not voting.

The Schmit amendment pending, as amended.

EXPLANATION OF VOTE

Had I been present I would have voted "Aye" on the F. Lewis amendment to the Schmit amendment to LB 6.

(Signed) John S. Savage

ANNOUNCEMENT

Mr. Carsten announced a meeting of the State Board of Equalization on Rules and Regulations at 10:00 a.m., November 10, 1975 in Room 1019, Statehouse.

ADJOURNMENT

At 3:58 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Wednesday, November 5, 1975.

Vincent D. Brown
Clerk of the Legislature

FOURTH DAY—NOVEMBER 5, 1975

LEGISLATIVE JOURNAL

**EIGHTY-FOURTH LEGISLATURE
FIRST SPECIAL SESSION**

FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, November 5, 1975

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

O Thou Holy Spirit, who hast promised to lead us into all truth, prepare our hearts and minds for the business of this day, that we may behave with true courtesy and honor.

Compel us to be just and honest in our dealings. Let our motives be above suspicion. Let our word be our bond. Save us from the fallacy of depending upon our personality, our ingenuity, or position to solve our problems.

Since Thou hast the answers, make us willing to listen to Thee, that we may vote on God's side, and that God's will may be done in us. Through Christ our Lord. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Skarda who was excused, Messrs. Anderson, Burrows and Koch who were excused until they arrive; Mr. DeCamp who was absent until 9:20 a.m. and Mr. Chambers who was absent until 9:30 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Third Day was approved.

RESOLUTIONS

LEGISLATIVE RESOLUTION 1. Mr. Luedtke asked unanimous consent to substitute the following for LR 1 found in the Journal on page 31. No objections. So ordered.

LEGISLATIVE RESOLUTION 1.

Introduced by Roland A. Luedtke, 28th Legislative District.

WHEREAS, the late George C. Gerdes was an individual whose name became symbolic of truly great Nebraskans in his service to the Legislature of the state; and

WHEREAS, he served as Executive Director of the Nebraska Legislative Council, a member of the Nebraska Legislature from 1959 to 1969, was a recipient of the University of Nebraska, Nebraska Builders Award, was voted Most Able Nebraska Legislator by his fellow Senators in 1967, and devoted much time to progressive agricultural organizations such as the Nebraska Wheat Growers Association; and

WHEREAS, the name of such a man deserves a lasting tribute to the statesman who bore it; and

WHEREAS, the State Office Building now under construction is as yet without an appropriate name,

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SPECIAL SESSION:

That it be recommended to the State Building Advisory Commission that the newly constructed State Office Building be named the George C. Gerdes Building in memory of one who contributed so much to the state he served so well; and

That a copy of this resolution be sent by the Clerk of the Legislature to the State Building Advisory Commission and the Administrator Thereof.

Mr. Luedtke asked unanimous consent to add all members names to LR 1. No objections. So ordered.

LR 1 was adopted with 42 ayes, 0 nays and 7 not voting.

MESSAGE FROM THE AUDITOR OF PUBLIC ACCOUNTS

November 4, 1975

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment requiring Legislative confirmation, in accordance with Section 84-304 of the Revised Statutes:

Charles R. Patteson, Analyst

I respectfully submit this appointment for your consideration.

Yours very truly,

(Signed) Ray A. C. Johnson
Auditor of Public Accounts

RACJ:dm

GENERAL FILE

LEGISLATIVE BILL 6. Considered.

The Schmit pending amendment found in the Journal on page 47 was renewed.

Mr. Johnson offered the following amendment to the Schmit amendment:
Amend the Schmit amendment to include Sec. 18.

The amendment was adopted with 18 ayes, 17 nays and 14 not voting.

Mr. Mahoney offered the following amendment:
Amend the Schmit amendment by adding Section 39.

The amendment lost with 12 ayes, 22 nays and 15 not voting.

Mr. Schmit asked unanimous consent to speak an additional 10 minutes on his pending amendment. No objections. So ordered.

Mr. F. Lewis offered the following amendment to the Schmit amendment:
Strike sections 15 and 19 from the Schmit amendment.

The amendment was adopted with 28 ayes, 9 nays and 12 not voting.

Mr. Cavanaugh offered the following amendment to the Schmit amendment:
Amend the Schmit amendment by inserting section 37.

The amendment was adopted with 23 ayes, 12 nays and 14 not voting.

Mr. Chambers offered the following amendment to the Schmit amendment:
Amend Schmit amendment to strike Sections 36 of LB 6.

The amendment was adopted with 19 ayes, 15 nays and 15 not voting.

Mr. Warner requested a division of the question, the adoption of the F. Lewis amendment to Section 31, found on page 48 of the Journal, voted on separate from the pending Schmit amendment, as amended.

The amendment to Section 31 was adopted with 32 ayes, 0 nays and 17 not voting.

Mr. Schmit moved for a Call of the House on his amendment. The motion prevailed with 28 ayes, 6 nays and 15 not voting.

The Call showed 47 members present.

Mr. Warner requested a roll call vote on the Schmit amendment, as amended.

Voting in the affirmative, 24:

Anderson	Barnett	Bereuter	Cavanaugh	Chambers
Cope	DeCamp	Fitzgerald	Fowler	Goodrich
Johnson	F. Lewis	Luedtke	Mahoney	Marsh
Mills	Moylan	Rumery	Savage	Schmit
Simpson	Stull	Swigart	Syas	

Voting in the negative, 23:

Burbach	Burrows	Carsten	Clark	Dickinson
Duis	Dworak	George	Hasebroock	Kelly
Kennedy	Keyes	Kime	Kremer	R. Lewis
Mareh	Marvel	Murphy	Nichol	Rasmussen
Stoney	Warner	Wiltse		

Not voting, 2:

Koch Skarda

The Schmit amendment, as amended, lost with 24 ayes, 23 nays and 2 not voting.

Mr. Goodrich moved the Call be raised. The motion prevailed with 33 ayes, 0 nays and 16 not voting.

Mr. Dickinson asked unanimous consent to be excused at 10:45 a.m. No objections. So ordered.

Mr. Chambers moved to indefinitely postpone LB 6.

The motion lost with 8 ayes, 30 nays and 11 not voting.

Mr. Warner requested a record vote on advancing to E & R for Review.

Voting in the affirmative, 28:

Burbach	Burrows	Carsten	Clark	DeCamp
Duis	Dworak	George	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Kime	Kremer
F. Lewis	Maresh	Marvel	Murphy	Nichol
Rasmussen	Rumery	Schmit	Stoney	Stull
Swigart	Warner	Wiltse		

Voting in the negative, 18:

Anderson	Barnett	Bereuter	Cavanaugh	Chambers
Cope	Fitzgerald	Fowler	Goodrich	R. Lewis
Luedtke	Mahoney	Marsh	Mills	Moylan
Savage	Simpson	Syas		

Not voting, 3:

Dickinson	Koch	Skarda
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Advanced to E & R for Review with 28 ayes, 18 nays and 3 not voting.

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 4. Placed on Select File as amended.
E & R amendment to LB 4:

1. In the title, strike line 4 and through
"rate" in line 5 and insert "provide a standard for setting
the 1976 tax rates".

LEGISLATIVE BILL 3. Placed on Select File as amended.
E & R amendment to LB 3:

1. In committee amendments, section 8, line 3,
insert a comma after "79-4,160".

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business,
the President signed LR 1.

RESOLUTIONS

LEGISLATIVE RESOLUTION 2.

Introduced by Bereuter, 24th District; Fowler, 27th District; Goodrich, 20th District; Chambers, 11th District; Marsh, 29th District; Simpson, 46th District; F. Lewis, 45th District; Swigart, 8th District; Savage, 10th District; Anderson, 37th District; Moylan, 6th District; Maresh, 32nd District; R. Lewis, 38th District; Nichol, 48th District; Carsten, 2nd District; Burbach, 19th District.

WHEREAS, the Department of Public Welfare, after extensive public hearings and citizen input, allocated the Nebraska share of Title XX Social Service Funds; and

WHEREAS, the allocation to the community-based mental retardation programs was at a level lower than the federal funds anticipated for such programs when the 1975 Legislature made its appropriations; and

WHEREAS, the reduction in federal funds will necessitate either a cutback in community-based mental retardation program services or a deficit appropriation of state funds to the program; and

WHEREAS, the Legislature desires to explore in full the impact of the shift of federal social service funds at its 1976 legislative session before any programs are cut; and

WHEREAS, the Governor has established a level of reimbursement to the community-based mental retardation programs for the months of July, August, and September so that programs can maintain their current level of services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SPECIAL SESSION:

(1) That the Legislature calls upon the Governor to continue a level of reimbursement to the community-based mental retardation programs such that no reduction in quantity or quality of services occurs until the Legislature can meet in regular session and establish a proper level of services for the remainder of the fiscal year.

(2) That the Legislature directs its staff to fully investigate alleged program mismanagement and to scrutinize carefully the operations and programs of the community-based mental retardation agencies.

(3) That the Legislature encourages the Governor and executive staff to cooperate and participate in such efforts so that sufficient information is developed to enable the Legislature and the Governor to respond appropriately to any deficit funding proposals that are forthcoming.

Laid over.

UNANIMOUS CONSENT—Member Excused

Mr. Kennedy asked unanimous consent to be excused at 11:15 a.m. until he returns. No objections. So ordered.

UNANIMOUS CONSENT—Change of Order

Speaker Burbach asked unanimous consent to consider LB 4 and LB 3 on Select File at this time. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 3. E & R amendment found in this day's Journal was adopted.

Mr. Clark offered the following amendments:

Amendments to Standing Committee Amendments to LB 3

1. In standing committee amendment 1, strike sections 1 to 7 and insert the following:

"Section 1. That section 43-648, Revised Statutes Supplement, 1975, be amended to read as follows:

43-648. Effective July 1, 1974, the State Department of Education shall reimburse each school district for ninety per cent of the excess cost of the special education programs, as defined in section 43-645. The payments shall be made by the State Department of Education to the resident school district on September 30, December 30, March 30, and June 30, except that for the period commencing January 1, 1976, and ending July 31, 1976, the amount yet to be paid each school district shall be distributed as follows: (1) Two-thirds of the amount claimed as excess costs for the quarter beginning October 1, 1975 and ending December 31, 1975 shall be distributed between the third and fifteenth day of January, 1976, and the remaining one-third of the claimed excess cost for such quarter shall be distributed between the third and fifteenth day of February; (2) two-thirds of the amount claimed as excess cost for the quarter beginning January 1, 1976 and ending March 31, 1976 shall be paid between the third and fifteenth day of April, 1976, and the remaining one-third claimed as excess cost for such quarter shall be distributed between the third and fifteenth day of May, 1976; and (3) the claim for the quarter beginning April 1 and ending June 30, 1976, shall be submitted to the State Department of Education on or before July 6, 1976, and the final adjusted payment shall be made on or before July 31, 1976. ~~The State Department of Education, in lieu of the March 30, 1975 payment, shall distribute a maximum of two million dollars from funds appropriated in subdivision (4) of section 4, Legislative Bill 1053, Eighty-third Legislature, Second Session, 1974, to the school districts as provided in sections 1 to 3 of this act.~~

Sec. 2. That section 77-202.22, Revised Statutes Supplement, 1974, be amended to read as follows:

77-202.22. The county treasurer shall, on or before November 30 of each year, certify to the Tax Commissioner the total tax revenue that will be lost to all taxing agencies within his county because of exemptions from taxes levied and assessed in that year because of exemptions allowed under the provisions of sections 77-202.12 to 77-202.22. The county treasurer may amend the certification to show any change or correction in the total tax that will be lost until May 30 of the next succeeding year. The Tax commissioner shall, on or before January 31 next following such certification or within thirty days of any amendment to the certification, direct the Director of Administrative Services to draw his warrant on the state treasury for the amount so certified against funds appropriated for such purpose and deliver such warrant to the county treasurer; Provided, that for the period commencing December 1, 1975 and ending June 30, 1976, the amount yet to be received by each county treasurer shall be distributed in seven, as nearly as possible, equal monthly payments between the third and fifteenth day of each month; and provided further, that seventy-five per cent of the amount yet to be transferred to (1) any county containing a metropolitan class city and (2) any metropolitan class city, shall be distributed on or before the fifteenth day of January, 1976, and the remaining twenty-five per cent shall be distributed in five, as nearly as possible, equal payments between the third and fifteenth day of each month commencing February, 1976. Out of the amount so received the county treasurer shall distribute to each of the taxing agencies within his county the amount so lost by such agency, except that one per cent of such amount shall be deposited in the county general fund; Provided, that the full amount due a Class V school district shall be paid to the district and the county shall be compensated pursuant to section 14-554. Each taxing agency shall, in preparing its annual budget, take into account the amount to be received under the provisions of this section.

Sec. 3. That section 77-202.30, Revised Statutes Supplement, 1974, be amended to read as follows:

77-202.30. Beginning November 1, 1973, and on November 1 of each year thereafter, the State Treasurer shall place so much of all funds collected by a general sales tax and income tax into a special fund, to be known as the Personal Property Tax Relief Fund which is hereby created, as shall equal sixty-five per cent of the total tax revenue lost to all taxing agencies within the county from taxes levied and assessed in 1972 because of exemptions allowed under the provisions of sections 77-202.25 to 77-202.33 as certified each year by the county assessor of each county to the State Treasurer on or before

November 1 of each year beginning November 1, 1973, and on April 1, 1974, and on April 1 each year thereafter the State Treasurer shall place the remaining thirty-five per cent of the total tax revenue lost in the preceding year in such fund. The Legislature shall annually review the total tax revenue lost to all taxing agencies within the county and transferred to the county treasurers by the State Treasurer from the Personal Property Tax Relief Fund. The money in the Personal Property Tax Relief Fund shall be transferred by the State Treasurer, on or before December 15 of each year beginning December 15, 1973, to the various county treasurers equal to sixty-five per cent of the amount certified by the county assessor as provided in this section, and the remaining thirty-five per cent of the amount so certified shall be so transferred on or before April 15 of each year beginning April 15, 1974; Provided, that for the period commencing December 1, 1975 and ending June 30, 1976, the amount yet to be transferred to the county treasurers shall be distributed in seven, as nearly as possible, equal monthly payments between the third and fifteenth day of each month; and provided further, that seventy-five per cent of the amount yet to be transferred to (1) any county containing a metropolitan class city, and (2) any metropolitan class city, shall be distributed on or before the fifteenth day of January, 1976, and the remaining twenty-five per cent shall be distributed in five, as nearly as possible, equal payments between the third and fifteenth day of each month commencing February, 1976. The State Treasurer shall, on the first day of each month commencing December 1, 1975, and ending June 30, 1976, transfer from the General Fund to the Personal Property Tax Relief Fund the amount necessary to make the monthly payment required by this section. The State Treasurer shall transfer any amount remaining in the Personal Property Tax Relief Fund after the fifteenth day of each such month to the General Fund. Out of the amount so received the county treasurer shall retain one per cent thereof and then shall distribute the remainder to each of the taxing agencies within his county.

Each taxing agency shall, in preparing its annual budget, take into account the revenue to be received under the provisions of this section.

Sec. 4. That section 77-27,137, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-27,137. Of the money in the Governmental Sub-division Fund, four million, six hundred thousand dollars shall be transferred by the State Treasurer, ~~on or before the third Monday in January each year commencing in 1972,~~ to the various county treasurers of the state as follows:

(1) Fifty per cent on the basis of the ratio of the population of the particular county to the population of the entire state as determined by the latest federal census; and

(2) Fifty per cent on the basis of the ratio of the valuation of real estate in the particular county to the valuation of real estate in the entire state, as certified by the respective county assessors to the Tax Commissioner in the abstract of the assessment rolls and as equalized by the State Board of Equalization and Assessment.

The State Treasurer shall transfer the money provided in this section to the county treasurers on or before the third Monday in January each year; Provided, that for the period commencing December 1, 1975 and ending June 30, 1976, the amount yet to be transferred to the county treasurers shall be distributed in seven, as nearly as possible, equal monthly payments, between the third and fifteenth day of each month; and provided further, that seventy-five per cent of the amount yet to be transferred to (1) any county containing a metropolitan class city, and (2) any metropolitan class city, shall be distributed on or before the fifteenth day of January, 1976, and the remaining twenty-five per cent shall be distributed in five, as nearly as possible, equal payments between the third and fifteenth day of each month commencing February, 1976. The State Treasurer shall, on the first day of each month commencing December 1, 1975, and ending June 30, 1976, transfer from the General Fund to the Governmental Subdivision Fund the amount necessary to make the monthly payment required by this section. The State Treasurer shall transfer any amount remaining in the Governmental Subdivision Fund after the fifteenth day of each such month to the General Fund.

The proceeds of the Governmental Subdivision Fund received by the various county treasurers shall be credited to the general fund of the county.

Sec. 5. That section 77-27,137.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~77-27,137.01. The balance remaining in the Governmental Subdivision Fund after making the transfer provided for in section 77-27,137 shall be allocated by the State Treasurer to the various counties, for distribution to the incorporated municipalities therein. Such allocation shall be made in the manner provided in section 77-27,137. After making such allocation, the~~ The State Treasurer shall, ~~on the third Monday of each year commencing in 1972,~~ distribute the amount, so allocated to each county, among the incorporated municipalities within the county on the ratio of the population of the particular incorporated municipality to the total population of all incorporated municipalities

in the county as determined by the latest federal census, which amounts shall be placed in the general fund of such municipalities. Such payments and distributions shall be made in the manner provided in section 77-27,137.

Sec. 6. That section 79-1333, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1333. All state financial assistance to districts pursuant to sections 79-1330 to 79-1344 shall be based upon the annual financial reports of such districts as required by section 79-451, and shall be paid in the following manner: One-fourth on September 30, one-fourth on January 15, one-fourth on March 15 and one-fourth on May 15, except that for the period commencing December 1, 1975 and ending June 30, 1976, the amount yet to be paid each school district shall be distributed in seven, as nearly as possible, equal monthly payments between the third and fifteenth day of each month. Such reports shall be submitted to the State Board of Education by Class I, and ~~II, III, or VI~~ school districts on or before the first day of September of each year, and by Class III, IV, and V and VI school districts on or before the first day of November of each year. When any Class I, ~~or II, III, or VI~~ school district fails to submit its report by the first day of September, any state assistance granted pursuant to sections 79-1330 to 79-1344 shall be based on the amount granted for the previous fiscal year, and shall be reduced by ten per cent of that amount, and when any such district fails to submit its report by the first day of October, it shall forfeit all assistance pursuant to sections 79-1330 to 79-1344 for that year. When any Class III, IV, or V or VI school district fails to submit its report by the first day of November any state assistance granted pursuant to sections 79-1330 to 79-1344 shall be based on the amount granted for the previous fiscal year, and shall be reduced by ten per cent of that amount, and when any such district fails to submit its report by the fifteenth day of November, it shall forfeit all assistance pursuant to sections 79-1330 to 79-1344 for that year.

Sec. 7. That section 79-4,160, Revised Statutes Supplement, 1974, be amended to read as follows:

79-4,160. In addition to any funds which may be appropriated to the School Foundation and Equalization Fund, there may be other funds appropriated to the State Department of Education to be distributed such that every district in the state receives the same amount of funds per unit of average daily membership as every other district, which distribution shall be based upon average daily membership as defined by the State Department of Education for the regular school year. Distribu-

tion of funds under this section shall be made as follows:

One-fourth on September 30, one-fourth on January 15, and one-fourth on March 15, which three distributions shall be based upon average daily membership for the previous school year, except that for the period commencing December 1, 1975, and ending June 30, 1976, the amount yet to be paid each school district shall be distributed in seven, as nearly as possible, equal monthly payments between the third and fifteenth day of each month. The State Department of Education may withhold, until the final adjusted payment, any or all of the payments due commencing December 1, 1975 and ending June 30, 1976 when it appears that an overpayment would result. The final one-fourth or the May and June payments in 1976 shall not be expended but shall be adjusted on or before July 31 so that the total distributions for the year reflect the actual average daily membership for the current year which shall be determined from reports filed by each school district by June 30. If any district shall fail to file such report by June 30 that district's share of the final one-fourth or the May and June payments in 1976 distribution shall be forfeited and the final one-fourth or the May and June payments in 1976 distribution shall be made without consideration of the average daily membership of those districts failing to report by June 30. The final one-fourth or the May and June payments in 1976 distribution shall be made on or before July 31. Such funds shall not be considered in the computation of state aid under the provisions of sections 79-1330 to 79-1340 and 79-1342 to 79-1344."

The amendments were adopted with 34 ayes, 0 nays and 15 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 4. E & R amendment found in this day's Journal was adopted.

Mr. Keyes offered the following amendment:

Strike the Burbach amendment from LB 4.

Mr. Cavanaugh moved to bracket LB 4 until after LB 6 is advanced to Final Reading. The motion lost with 12 ayes, 22 nays and 15 not voting.

Mr. Luedtke asked unanimous consent to be excused at 11:30 a.m. for the remainder of the day. No objections. So ordered.

Messrs. Kremer, Wiltse and Hasebroock asked unanimous consent to be excused this afternoon. No objections. So ordered.

Mr. Keyes requested a record vote on his amendment.

Mr. Keyes moved for a Call of the House. The motion prevailed with 19 ayes, 17 nays and 13 not voting.

The Call showed 44 members present.

Mrs. Marsh moved the Call be raised. The motion lost with 17 ayes, 22 nays and 10 not voting.

Mrs. Marsh asked unanimous consent to be excused. No objections. So ordered.

Mr. Keyes requested a roll call vote on his amendment to LB 4.

Voting in the affirmative, 21:

Cavanaugh	Clark	DeCamp	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Keyes	F. Lewis
Mahoney	Maresh	Marvel	Mills	Moylan
Rumery	Savage	Stoney	Stull	Syas
Wiltse				

Voting in the negative, 22:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Chambers	Cope	Duis	Dworak
Johnson	Kelly	Kime	Kremer	R. Lewis
Murphy	Nichol	Rasmussen	Schmit	Simpson
Swigart	Warner			

Not voting, 6:

Dickinson	Kennedy	Koch	Luedtke	Marsh
Skarda				

The Keyes amendment lost with 21 ayes, 22 nays and 6 not voting.

Mr. Goodrich moved the Call be raised. The motion prevailed with 37 ayes, 0 nays and 12 not voting.

Mr. F. Lewis re-offered his amendment to LB 4 found in the Journal on pages 41 and 42.

The Chair ruled the amendment to be a reconsideration.

ANNOUNCEMENT

Mr. Marvel announced a meeting of the Appropriations Committee at adjournment under the South Balcony. No objections. So ordered.

RECESS

At 12:17 p.m., on a motion by Speaker Burbach, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:04 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Dickinson, Hasebroock, Kennedy, Kremer, Luedtke, Skarda and Wiltse who were excused; and Mr. Koch who was excused until he arrives.

SELECT FILE

LEGISLATIVE BILL 4. Mr. F. Lewis reoffered his amendment found in the Journal on pages 41 and 42 and changed Sec. 2, line 7 to read 14 rather than 13.

Mr. Clark moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 5 nays and 18 not voting.

The F. Lewis amendment lost with 14 ayes, 25 nays and 10 not voting.

Mr. Cavanaugh offered the following amendment:

Amend the Burbach amendment by striking three per cent and inserting one per cent.

Mr. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 2 nays and 20 not voting.

Mr. Cavanaugh moved for a Call of the House. The motion prevailed with 21 ayes, 20 nays and 9 not voting. The Chair voted aye to break the tie.

The Call showed 42 members present.

Mr. Cavanaugh requested a roll call vote on his amendment:

Voting in the affirmative, 23:

Anderson	Barnett	Cavanaugh	Clark	DeCamp
Dickinson	Fitzgerald	Fowler	George	Goodrich
Keyes	F. Lewis	Mahoney	Maresh	Marvel
Mills	Moylan	Rumery	Savage	Stoney
Stull	Swigart	Syas		

Voting in the negative, 19:

Bereuter	Burbach	Burrows	Carsten	Cope
Duis	Dworak	Johnson	Kelly	Kime
Koch	R. Lewis	Marsh	Murphy	Nichol
Rasmussen	Schmit	Simpson	Warner	

Not voting, 7:

Chambers	Hasebroock	Kennedy	Kremer	Luedtke
Skarda	Wiltse			

The Cavanaugh amendment lost with 23 ayes, 19 nays and 7 not voting.

Mr. Cavanaugh moved the Call be raised. The motion prevailed with 31 ayes, 0 nays and 18 not voting.

Mr. F. Lewis requested a machine vote to advance LB 4 to E & R for Engrossment.

Advanced to E & R for Engrossment with 25 ayes, 14 nays and 10 not voting.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 3. Replaced on Select File as amended.

E & R amendments to LB 3:

1. In section 1, line 23, insert “, 1976” after 1”.
2. In section 4, line 22, strike the third comma; in line 25 strike “(1)” and insert “(a)”; and in line 26 strike “(2)” and insert “(b)”.
3. In section 6, line 8, insert a comma after the first “15” as in the statutes; and insert an underscored comma after “V” in lines 15 and 24.
4. In section 7, line 23, strike “not be expended but” and insert “be delayed and”; strike the new

matter in lines 29 and 30 and reinsert the same after "distribution" in line 30; insert "distribution" at the end of line 30 as in the statutes and in line 31 strike "district-ion"; and strike the new matter in line 34 and reinsert the same after "distribution" in the same line.

(Signed) Donald N. Dworak, Chairman

SELECT FILE

LEGISLATIVE BILL 3. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

MOTION—Return LB 3 to Select File

Mr. Barnett moved to return LB 3 to Select File for the following specific amendment:

AMENDMENTS TO LB 3

- 1 1. Strike sections 4 and 5 of the Clark amendment
- 2 to the Standing Committee Amendment and renumber remaining
- 3 sections accordingly.
- 4 2. In the Standing Committee Amendment, page 29 of
- 5 the Journal, line 1 strike "sections 77-27,137, 77-27,137.01,
- 6 and" and insert "section"; in line 5 after the comma
- 7 insert "and also sections 77-27,136 to 77-27,137.01,
- 8 77-27,139, and 77-27,140, Reissue Revised Statutes of
- 9 Nebraska, 1943,".

The motion lost with 3 ayes, 32 nays and 14 not voting.

Speaker's Tentative Adjournment Plans

Speaker Burbach suggested we hold sessions on Thursday, November 6 (5th Day); Friday, November 7 (6th Day); Saturday, November 8 at 12:01 a.m. (7th Day) and Monday, November 10 (8th Day).

MOTION—Adjournment

Mr. Koch moved that the Legislature adjourn until Tuesday, November 18. The motion lost.

SELECT COMMITTEE REPORT
Committee on Committees

November 5, 1975

The Committee on Committees desires to report favorably upon the appointments or reappointments listed below which were submitted by J. J. Exon. The Committee suggests the appointments be confirmed by the Legislative Body and suggest a record vote.

E. Benjamin Nelson
Director of Department of Insurance

No one appeared in support and no one appeared in opposition to Mr. Nelson's appointment.

Committee Vote: For: (8) Duis, Hasebroock, Kelly, Keyes, Kime, Marsh, Savage, and Wiltse. Against: None. Absent and not voting: (5) Chambers, Clark, DeCamp, Koch, and Skarda.

Mrs. Sarah (Sally) Bates
Nebraska Public Welfare, Institutions & Corrections Advisory Committee

No one appeared in support and no one appeared in opposition to Mrs. Bates appointment.

Committee Vote: For: (8) Duis, Hasebroock, Kelly, Keyes, Kime, Marsh, Savage, and Wiltse. Against: None. Absent and not voting: (5) Chambers, Clark, DeCamp, Koch, and Skarda.

Mr. Glenn W. Chase
Nebraska Investment Council

Senator Marsh appeared in support of Mr. Chase's appointment and no one appeared in opposition.

Committee Vote: For: (8) Duis, Hasebroock, Kelly, Keyes, Kime, Marsh, Savage and Wiltse. Against: None. Absent and not voting: (5) Chambers, Clark, DeCamp, Koch, and Skarda.

Forrest F. "Woody" Combs
Motor Vehicle Industry Licensing Board

No one appeared in behalf of Mr. Comb's appointment and no one appeared in opposition.

Committee Vote: For: (8) Duis, Hasebroock, Kelly, Keyes, Kime, Marsh, Savage and Wiltse. Against: None. Absent and not voting: (5) Chambers, Clark, DeCamp, Koch, and Skarda.

Karl E. Dickinson
State Highway Commission

No one appeared in behalf of Mr. Dickinson's appointment and no one appeared in opposition.

Committee Vote: For: (8) Duis, Hasebroock, Kelly, Keyes, Kime, Marsh, Savage, and Wiltse. Against: None. Absent and not voting: (5) Chambers, Clark, DeCamp, Koch, and Skarda.

Richard E. Person
State Personnel Board

Senator Duis and Senator Cope appeared in behalf of Mr. Person's appointment. No one appeared in opposition.

Committee Vote: For: (8) Duis, Hasebroock, Kelly, Keyes, Kime, Marsh, Savage, and Wiltse. Against: None. Absent and not voting: (5) Chambers, Clark, DeCamp, Koch, and Skarda.

Mr. Benjamin M. Wall
Court of Industrial Relations

Senator Savage appeared in behalf of Mr. Wall's reappointment since Mr. Wall was in the hospital on November 4. No one appeared in opposition to this reappointment.

Committee Vote: For: (8) Duis, Hasebroock, Kelly, Keyes, Kime, Marsh, Savage, and Wiltse. Against: None. Absent and not voting: (5) Chambers, Clark, DeCamp, Koch, and Skarda.

Phil Weaver
Liquor Control Commission

Senator Wiltse appeared in behalf of Mr. Weaver's appointment. No one appeared in opposition.

Committee Vote: For: (8) Duis, Hasebroock, Kelly, Keyes, Kime, Marsh, Savage, and Wiltse. Against: None. Absent and not voting: Chambers, Clark, DeCamp, Koch, and Skarda.

Ed Crowley

Public Welfare, Institutions & Corrections Advisory Committee

Senator Cope appeared in behalf of Mr. Crowley's appointment. No one appeared in opposition.

Committee Vote: For: (8) Duis, Hasebroock, Kelly, Keyes, Kime, Marsh, Savage, and Wiltse. Against: None. Absent and not voting: (5) Chambers, Clark, DeCamp, Koch, and Skarda.

(Signed) John S. Savage, Chairman

ADJOURNMENT

At 3:45 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 10:00 a.m., Thursday, November 6, 1975.

Vincent D. Brown
Clerk of the Legislature

FIFTH DAY—NOVEMBER 6, 1975

LEGISLATIVE JOURNAL

**EIGHTY-FOURTH LEGISLATURE
FIRST SPECIAL SESSION**

FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, November 6, 1975

Pursuant to adjournment, the Legislature met at 10:00 a. m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

Our Father, give us the faith to believe that the words now spoken, and the yearnings of the hearts now open before thee, are heard and understood in thy presence. We, the members and officers and servants of this body, unite our petitions for thy blessing, thy guidance, and they help, that we faithfully may do what is best, and what is right in thy sight, O God. Give to these, thy servants, the representatives of the people throughout this State, the will to work together as a team for the welfare of all our people. Give them courage to withstand the pressure of the selfish, and give to the people the vision to see that sacrifice must be shared by all, that there is no substitute for hard work, and no joy is unmerited reward and there's no such thing as a free lunch. May we fear nothing, save that, knowing what is right, we fail to do it. So help us God, in Jesus' name. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Skarda who was excused; Messrs. Kennedy, Koch and Marvel who were excused until they arrive and Mr. Chambers who was absent until 9:10 a.m.

NOTICE OF CANCELLATION OF COMMITTEE MEETING

November 6, 1975

The Interim Study Committee on Post-Secondary Education scheduled to meet in Room 1019 on Friday, November 7, 1975, at 9:30 a.m., has been cancelled.

(Signed) Jerome Warner, Chairman

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 6. Placed on Select File as amended.
E & R amendments to LB 6:

1. In lieu of the Marvel amendments 1 to 5 inserting a new section 39 in the committee amendments, on page 25, line 25 strike "4,402,765" and insert "2,321,765"; on page 25, after line 26 insert:

"REVENUE SHARING

TRUST FUND

2,081,000"; on

page 27, line 1, strike "22,613,735" and insert "20,532,735"; and on page 27, after line 3 insert:

"REVENUE SHARING

TRUST FUND

2,081,000".

2. On page 29, lines 23 and 24, strike "595,284" and insert "555,395"; and after line 24 insert:

"(3) Program No. 529 - Land Surveys".

3. Pursuant to the F. Lewis amendment to section 31, on pages 62 to 64 strike the new matter and reinstate the stricken matter; on page 65, line 24, strike "27,635,287" and insert "27,727,088"; and on page 66 strike "41,398,014" and insert "41,489,815".

4. In committee amendments, insert new sections 1 to 33 as sections 67 to 99; strike section 34 as duplicating original section 65; insert new sections 35 to 38 as sections 100 to 103; and strike sections 39 and 40.

5. Renumber original sections 67 to 69 as sections 104 to 106.

6. On page 150, line 11, strike "and"; and in line 12 after "1975" insert ", section 77-2602, Revised Statutes Supplement, 1974, and section 32, Legislative Bill 609, Eighty-fourth Legislature, First Session, 1975, with items disapproved pursuant to authority granted by Article IV, section 15, of the Constitution of Nebraska, and also sections 7 and 37, Legislative Bill 256, Eighty-third Legislature, First Session, 1973, sections 2, 3, 7, 16, 17, 35, and 52, Legislative Bill 1055, Eighty-third Legislature, Second Session, 1974, section 3, Legislative Bill 1058, Eighty-third Legislature, Second Session, 1974, Legislative Bills 215A and 417A, Eighty-fourth Legislature, First Session, 1975, section 1, Legislative Bill 553, Eighty-fourth Legislature, First Session, 1975, sections 2 to 6, 13, 14, 16, 18 to 21, 23, and 25, Legislative Bill 609, Eighty-fourth Legislature, First Session, 1975, and sections 3, 4, and 6, Legislative Bill 611, Eighty-fourth Legislature, First Session, 1975,".

7. In the title, line 37, strike "and"; in line 39, after "1975" insert ", section 77-2602, Revised Statutes Supplement, 1974, and section 32, Legislative Bill 609, Eighty-fourth Legislature, First Session, 1975, with items disapproved pursuant to authority granted by Article IV, section 15, of the Constitution of Nebraska"; in line 42 after "sections" insert ", and also sections 7 and 37, Legislative Bill 256, Eighty-third Legislature, First Session, 1973, sections 2, 3, 7, 16, 17, 35, and 52, Legislative Bill 1055, Eighty-third Legislature, Second Session, 1974, section 3, Legislative Bill 1058, Eighty-third Legislature, Second Session, 1974, Legislative Bills 215A and 417A, Eighty-fourth Legislature, First Session, 1975, section 1, Legislative Bill 553, Eighty-fourth Legislature, First Session, 1975, sections 2 to 6, 13, 14, 16, 18 to 21, 23, and 25, Legislative Bill 609, Eighty-fourth Legislature, First Session, 1975, and sections 3, 4, and 6, Legislative Bill 611, Eighty-fourth Legislature, First Session, 1975"; and in line 40 strike "make an appropriation;" and insert "appropriate and reappropriate funds; to provide for capital construction; to lapse funds;"

8. On page 60, line 17, strike "18,944,644" and insert "18,944,664".

(Signed) Donald N. Dworak, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION 2. Read and considered.

LR 2 was adopted with 37 ayes, 0 nays and 12 not voting.

EXPLANATION OF VOTE

Had I been present I would have voted "aye" on LR 2.

(Signed) Ernest Chambers

SELECT FILE

LEGISLATIVE BILL 6. E & R amendments found in this day's Journal were adopted.

Mr. Barnett offered the following amendment:

AMENDMENT TO LB 6

1. Insert a new section 65 to read as follows:

Sec. 65. No agency shall discharge any employee because of the

reduction of appropriations from the General Fund required by sections 1 to 64 of this act.

2. Renumber remaining sections accordingly.

The amendment lost with 14 ayes, 25 nays and 10 not voting.

Mr. Clark moved the adoption of the following amendment for Mr. Marvel.

AMENDMENT TO LB 6

1) Add a new section as follows:

"Sec. 67. The University of Nebraska, the state colleges, and other state agencies that have appropriations from cash fund sources in addition to the General Fund, are hereby directed to spend those cash funds to the maximum extent feasible before spending General Fund appropriations. The Department of Administrative Services is directed to consider this in the administration of the allotment status system and to make the necessary adjustments to accommodate this change in fund expenditures. The purpose of this section is to assist in the treasury management of General Fund cash flow and, to the extent possible, minimize expenditures of General Fund money during the early months of 1976."

2) In committee amendments, strike section 34.

3) Renumber sections accordingly.

The amendment was adopted with 39 ayes, 0 nays and 10 not voting.

Mr. Clark offered the following amendment:

AMENDMENT TO LB 6

1. In renumbered section 101, insert

"Legislative Bill 938, 83rd Legislature, Second Session,"
at the end of line 8.

The amendment was adopted with 38 ayes, 0 nays and 11 not voting.

Mr. Warner offered the following amendment:

AMENDMENTS TO LB 6

1. On page 15, lines 25 and 26, strike
"1,021,498" and insert "1,021,498 1,021,497".

2. On page 16, line 1, strike "The" and
insert "The Of the"; in line 3, insert "\$999,999" after
the first comma; in line 18 strike "1,964,367" and insert
"1,964,366"; and in line 22, strike "2,757,480" and insert
"2,757,479".

3. On page 17, line 26, strike "The" and
insert "The Of the"; and after the comma in line 27
insert "\$7,706,247".

4. On page 27, line 26, strike "The" and
insert "The Of the"; and after the second comma in line
27 insert "\$923,580".

Mr. Warner asked unanimous consent to have the amendment laid over until this afternoon. No objections. So ordered.

Mr. Goodrich offered the following amendment:

To exclude Sects 2, 5, 13, 20, 25, 34, 40, 41, 42, 47, 51, 52, 10, 11, 1, 53, 54, 55, 56, 57, 58, 59, 60, and 61 and 66 from LB 6 and renumber the remaining Sects accordingly.

The Chair ruled the amendment a reconsideration.

Mr. Koch moved to reconsider action on the Schmit amendment, as amended, which failed on November 5, 1975 on page 52 of the Journal.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 34 ayes, 1 nay and 14 not voting.

The Koch motion to reconsider prevailed with 27 ayes, 19 nays and 3 not voting.

Mr. F. Lewis requested a division of the question on the Schmit amendment, as amended, to vote on each amendment separately.

Mr. Dickinson asked unanimous consent to be excused this afternoon. No objections. So ordered.

ANNOUNCEMENT

Mr. Marvel announced a meeting of the Appropriations Committee as soon as possible this afternoon.

RECESS

At 12:00 noon, on a motion by Speaker Burbach, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:00 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Dickinson and Skarda who were excused and Mr. Kennedy who was excused until he arrives.

SELECT COMMITTEE REPORT

Committee on Committees

November 6, 1975

The Committee on Committees desires to report favorably upon the appointments or reappointments listed below which were submitted by J. J. Exon. The Committee suggests the appointments be confirmed by the Legislative Body and suggest a record vote.

Jack Cleavenger — Director of Department of Public Institutions

No one appeared in support and no one appeared in opposition to Mr. Cleavenger's appointment.

Committee Vote: For (10) Senators Clark, DeCamp, Duis, Hasebroock, Kelly, Keyes, Kime, Marsh, Savage, and Wiltse. Against: None. Absent and not voting: (2) Senators Koch and Skarda. Passing: (1) Senator Chambers.

Norval Bowen — State Electrical Board

No one appeared in support and no one appeared in opposition to Mr. Bowen's appointment.

Committee Vote: For: (10) Senators Clark, DeCamp, Duis, Hasebroock, Kelly, Keyes, Kime, Marsh, Savage, and Wiltse. Against: None. Absent and not voting: (2) Senators Koch and Skarda. Passing: (1) Senator Chambers.

Ed Brandt — State Electrical Board

No one appeared in support and no one appeared in opposition to Mr. Brandt's appointment.

Committee Vote: For: (10) Senators Clark, DeCamp, Duis, Hasebroock, Kelly, Keyes, Kime, Marsh, Savage, and Wiltse. Against: None. Absent and not voting: (2) Senators Koch and Skarda. Passing: (1) Senator Chambers.

Robert J. Chase — State Electrical Board

No one appeared in support and no one appeared in opposition to Mr. Chase's appointment.

Committee Vote: For (10) Senators Clark, DeCamp, Duis, Hasebroock, Kelly, Keyes, Kime, Marsh, Savage, and Wiltse. Against: None. Absent and not voting: (2) Senators Koch and Skarda. Passing: (1) Senator Chambers.

Ralph Crowl — State Electrical Board

No one appeared in support and no one appeared in opposition to Mr. Crowl's appointment.

Committee Vote: For: (10) Senators Clark, DeCamp, Duis, Hasebroock, Kelly, Keyes, Kime, Marsh, Savage, and Wiltse. Against: None. Absent and not voting: (2) Senators Koch and Skarda. Passing: (1) Senator Chambers.

Paul C. Schorr III – State Electrical Board

No one appeared in support and no one appeared in opposition to Mr. Schorr's appointment.

Committee Vote: For: (10) Senators Clark, DeCamp, Duis, Hasebroock, Kelly, Keyes, Kime, Marsh, Savage, and Wiltse. Against: None. Absent and not voting: (2) Senators Koch and Skarda. Passing: (1) Senator Chambers.

Weston Webb – State Electrical Board

No one appeared in support and no one appeared in opposition to Mr. Webb's appointment.

Committee Vote: For: (10) Senators Clark, DeCamp, Duis, Hasebroock, Kelly, Keyes, Kime, Marsh, Savage, and Wiltse. Against: None. Absent and not voting: (2) Senators Koch and Skarda. Passing: (1) Senator Chambers.

L. E. Donegan – Environmental Control Council

Senator Marsh and Mr. Dan Drain, Director, Environmental Control Council, appeared in support of Mr. Donegan's appointment and no one appeared in opposition.

Committee Vote: For: (10) Senators Clark, DeCamp, Duis, Hasebroock, Kelly, Keyes, Kime, Marsh, Savage, and Wiltse. Against: None. Absent and not voting: (2) Senators Koch and Skarda. Passing: (1) Senator Chambers.

Paul F. Harm – Environmental Control Council

Senator Hasebroock and Mr. Dan Drain, Director, Environmental Control Council, appeared in support of Mr. Harms' appointment and no one appeared in opposition.

Committee Vote: For: (10) Senators Clark, DeCamp, Duis, Hasebroock, Kelly, Keyes, Kime, Marsh, Savage, and Wiltse. Against: None. Absent and not voting: (2) Senators Koch and Skarda. Passing: (1) Senator Chambers.

David H. Smith – Environmental Control Council

Mr. Dan Drain, Director, Environmental Control Council, appeared in support of Mr. Smith's appointment and no one appeared in opposition.

Committee Vote: For: (10) Senators Clark, DeCamp, Duis, Hasebroock, Kelly, Keyes, Kime, Marsh, Savage, and Wiltse. Against: None. Absent and not voting: (2) Senators Koch and Skarda. Passing: (1) Senator Chambers.

Richard A. Veach – Environmental Control Council

Mr. Dan Drain, Director, Environmental Control Council, appeared in support of Mr. Veach's appointment and no one appeared in opposition.

Committee Vote: For: (10) Senators Clark, DeCamp, Duis, Hasebroock, Kelly, Keyes, Kime, Marsh, Savage, and Wiltse. Against: None. Absent and not voting: (2) Senators Koch and Skarda. Passing: (1) Senator Chambers.

Merle Kingsbury — State Highway Commission

Senator Hasebroock and Senator Murphy appeared in support of Mr. Kingsbury's appointment and no one appeared in opposition.

Committee Vote: For: (10) Senators Clark, DeCamp, Duis, Hasebroock, Kelly, Keyes, Kime, Marsh, Savage, and Wiltse. Against: None. Absent and not voting: (2) Senators Koch and Skarda. Passing: (1) Senator Chambers.

(Signed) John S. Savage, Chairman

SELECT FILE

LEGISLATIVE BILL 6. The Chair ruled the F. Lewis request out of order to divide the question on the Schmit amendment, as amended, to vote on each amendment separately.

Mr. F. Lewis appealed the decision of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Barnett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 36 ayes, 1 nay and 12 not voting.

The motion to overrule the Chair lost with 12 ayes, 28 nays and 9 not voting.

Mr. Warner requested a record vote on the Schmit amendment, as amended.

Voting in the affirmative, 27:

Anderson	Barnett	Bereuter	Cavanaugh	Chambers
Cope	DeCamp	Fitzgerald	Fowler	Goodrich
Johnson	Koch	F. Lewis	Luedtke	Mahoney
Marsh	Mills	Moylan	Nichol	Rumery
Savage	Schmit	Simpson	Stoney	Stull
Swigart	Syas			

Voting in the negative, 17:

Burbach	Burrows	Carsten	Clark	Duis
Dworak	George	Hasebroock	Kelly	Keyes
Kremer	Maresh	Marvel	Murphy	Rasmussen
Warner	Wiltse			

Not voting, 5:

Dickinson	Kennedy	Kime	R. Lewis	Skarda
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The amendment was adopted with 27 ayes, 17 nays and 5 not voting.

UNANIMOUS CONSENT—Record Votes

Mr. Chambers asked unanimous consent to have every vote from now on a record vote in the Journal.

Mrs. Marsh objected.

SELECT FILE

LEGISLATIVE BILL 6. Mr. Warner renewed his pending amendment found in the Journal on page 71.

Mr. Cavanaugh offered the following amendment to the Warner amendment:

CAVANAUGH AMENDMENT TO THE WARNER AMENDMENT TO LB 6

In lieu of the Warner Amendment, item 4, insert:

4. On page 27, strike lines 26 and 27, and show as stricken;
on page 28, strike line 1.

The amendment lost with 6 ayes, 24 nays and 19 not voting.

Mr. Cavanaugh offered the following amendment to the Warner amendment found in the Journal on page 71:

CAVANAUGH AMENDMENT TO THE WARNER AMENDMENT TO LB 6

In lieu of the Warner Amendment, item 3, insert:

3. On page 17, strike lines 26 and 27 and show as stricken and insert "Of the unexpended general fund balance existing on June 30, 1975, there is hereby reappropriated \$6,406,248, which amount shall be in".

Mr. Cavanaugh requested a record vote.

Voting in the affirmative, 27:

Anderson	Bereuter	Burbach	Carsten	Cavanaugh
Clark	DeCamp	Duis	Dworak	Fowler
George	Goodrich	Johnson	Koch	Kremer
Mahoney	Maresh	Mills	Moylan	Murphy
Nichol	Rumery	Stoney	Stull	Swigart
Warner	Wiltse			

Voting in the negative, 3:

Barnett	Keyes	F. Lewis
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Not voting, 19:

Burrows	Chambers	Cope	Dickinson	Fitzgerald
Hasebrook	Kelly	Kennedy	Kime	R. Lewis
Luedtke	Marsh	Marvel	Rasmussen	Savage
Schmit	Simpson	Skarda	Syas	

The amendment was adopted with 27 ayes, 3 nays and 19 not voting.

Mr. Duis moved to reconsider action on the Cavanaugh amendment to item 4 of the Warner amendment.

The motion prevailed with 28 ayes, 0 nays and 21 not voting.

Mr. Cavanaugh offered the following amendment:

CAVANAUGH AMENDMENT TO THE
WARNER AMENDMENT TO LB 6

In lieu of the Warner Amendment, items 1 and 2, insert:

1. On page 15, lines 25 and 26, strike "1,021,498" and show as stricken and insert "421,498".
2. On page 16, strike lines 1 to 6 and show as stricken; on line 18 strike "1,964,367" and insert "1,364,367"; and on line 22 strike "2,757,480" and insert "2,157,480".

The amendment lost with 0 ayes, 28 nays and 21 not voting.

The Cavanaugh amendment to item 4 of Warner amendment was adopted with 21 ayes, 9 nays and 19 not voting.

Mr. Cavanaugh offered the following amendment:

To strike Sec. 1 & 2 of the Warner Amendment.

Mr. Cavanaugh moved for a Call of the House. The motion prevailed with 22 ayes, 12 nays and 15 not voting.

Mr. Savage moved the Call be raised. The motion prevailed with 25 ayes, 0 nays and 24 not voting.

The Cavanaugh amendment was adopted with 24 ayes, 17 nays and 8 not voting.

The Warner amendment found in this day's Journal on page 71 was adopted, as amended, with 33 ayes, 4 nays and 12 not voting.

Mr. Schmit offered the following amendment:

AMENDMENTS TO L.B. 6, AS AMENDED

1. Insert the following new sections:

"Sec. 104. Each agency shall pay all accounts payable

within thirty days of the effective date of this act. Each agency shall thereafter pay for all goods and services within thirty days after the date such goods and services are received.

Sec. 105. Each agency shall monthly report to the Director of Administrative Services and the Legislative Fiscal Analyst any account that has not been paid within thirty days after such account becomes due pursuant to section 104 of this act.

Sec. 106. If any account reported pursuant to section 105 of this act shall remain unpaid for an additional thirty days the Director of Administrative Services shall notify in writing the Governor, the State Treasurer, the Auditor of Public Accounts, and the Attorney General of such noncompliance and after such notification a hearing shall be held at which hearing the department or agency head shall be directed to show cause why payment has not been made. After such hearing the Attorney General shall take all actions he deems necessary to insure compliance with sections 104 to 106 of this act."

2. Renumber remaining sections accordingly.

Mr. Schmit moved the previous question. The question is, "Shall the debate now close?"

The motion lost with 21 ayes, 8 nays and 20 not voting.

Mr. Schmit moved for a Call of the House. The motion prevailed with 22 ayes, 2 nays and 25 not voting.

Mr. Johnson moved the Call be raised. The motion prevailed with 31 ayes, 0 nays and 18 not voting.

Mr. Cavanaugh requested a record vote on the Schmit amendment.

Votin in the affirmative, 25:

Bereuter	Burbach	Burrows	Cope	DeCamp
Fitzgerald	Hasebroock	Johnson	Keyes	Kremer
F. Lewis	R. Lewis	Luedtke	Maresh	Marsh
Moylan	Murphy	Rasmussen	Rumery	Savage
Schmit	Simpson	Stoney	Swigart	Wiltse

Voting in the negative, 16:

Anderson	Barnett	Carsten	Cavanaugh	Clark
Duis	Dworak	Fowler	George	Koch
Mahoney	Marvel	Mills	Nichol	Stull
Warner				

Not voting, 8:

Chambers	Dickinson	Goodrich	Kelly	Kennedy
Kime	Skarda	Syas		

The Schmit amendment was adopted with 25 ayes, 16 nays and 8 not voting.

Mr. Burrows offered the following amendment:

To strike the new language in LB 6, page 61, lines 16 through 21 and re-instate the original.

The amendment was adopted with 26 ayes, 6 nays and 17 not voting.

The Chair introduced former Senator P.J. Morgan from Omaha.

Mr. F. Lewis moved to reconsider the following action on LB 6 to reinsert original Section 1.

Mr. Goodrich moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 3 nays and 17 not voting.

The motion lost with 13 ayes, 23 nays and 13 not voting.

Mr. F. Lewis moved to reconsider action on LB 6 to reinsert original section 2.

Mr. Goodrich moved the previous question. The question is, "Shall the debate now close?" The motion lost with 24 ayes, 2 nays and 23 not voting.

The F. Lewis motion to reconsider section 2 lost with 12 ayes, 26 nays and 11 not voting.

Mr. Mills requested a machine vote on advancing LB 6.

LB 6 advanced to E & R for Engrossment with 33 ayes, 9 nays and 7 not voting.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 137
November 6, 1975

Dear Senators Goodrich and Syas:

You have written to this office requesting our advice as to the requisite

number of votes for the passage of LB 6 with the Bereuter amendment which is now being considered by the Legislature. You state that LB 6 is presently the same as introduced at the request of the Governor except for two changes. One change is the elimination of section 31 of LB 6 and the other is the addition of the "Bereuter Amendment."

In order to respond to your request as promptly as possible, we have discussed the "Bereuter Amendment" with Senator Bereuter and with the Legislative Fiscal Analyst. We have not checked each of these items of appropriation against the original appropriation made during the 1975 Session. In our discussion with the above named individuals, we were assured that no new or greater appropriation has been made in the "Bereuter Amendment" in addition to or in excess of the amount appropriated for the same purposes in the regular Session of 1975. Reductions have been made and the payment of appropriations has been directed to different funds than those indicated in the original appropriation. We are thus assuming that there is no new appropriation or greater appropriation made in these provisions. Were such the case and a greater or new appropriation be included then, of course, the requirement of Section 22, Article III, Constitution of Nebraska, would come into play with reference to deficiency appropriations. This section, in part, provides:

"... And whenever it is deemed necessary to make further appropriations for deficiencies, the same shall require a two-thirds vote of all the members elected to the Legislature. . . ."

The number of votes required for the passage of an act is set forth in Section 13, Article III, of the Constitution which provides that a majority of the members elected to the Legislature must vote for passage. However, Section 27, Article III, of the Constitution provides that no act shall take effect until three calendar months after the adjournment of the session at which it was passed. The exception to this would be with the proper inclusion of the emergency clause. In such event, the requirement is for a two-thirds vote of the members elected. Thus for mere passage of the act, twenty-five votes are needed and for passage with the emergency clause, thirty-three votes would be needed. Also thirty-three votes of the members elected would be needed to approve a deficiency appropriation bill.

Yours very truly,

PAUL L. DOUGLAS
Attorney General

(Signed) Gerald S. Vitamvas
Deputy Attorney General

GSV:ejg

cc Mr. Vincent D. Brown
Clerk of the Legislature

Opinion No. 138
November 6, 1975

Dear Senator Carsten:

In your letter of November 6, 1975 you ask whether it would be advisable to amend sec. 77-2715.01 (1) (d), Supp. 1975. Sec. 77-2715.01 makes provision for the setting of the sales and income tax rates by the State Board of Equalization, and subsection (1) (d) provides in part:

"The board shall then set the rates of the sales tax and income tax so that the estimated funds available pursuant to subdivision (c) of this subsection plus estimated receipts from the sales, use, income, and franchise taxes will be not less than five per cent in excess of the appropriations and express obligations for the next two succeeding calendar years. . ."

Your specific question with respect to this statutory provision is whether it would be advisable to have a specific limitation on the reserve provided for by the provision in question. We conclude that it would be wise, and that it might eliminate a possibly successful attack on the constitutionality of this provision. It is true that in Anderson v. Tiemann, 182 Neb. 393, 155 N.W.2d 322 (1967), the court discussed the general question of the delegation of legislative power to the State Board of Equalization and Assessment to set the tax rates, pursuant to sec. 77-2715.01, and held that the bill constituted a valid and lawful delegation of authority to the board, and did not violate the Constitutions of Nebraska or the United States. However, we have examined the plaintiff's petition in that case, and the briefs filed in the Supreme Court. We find that the question of delegation of legislative authority to the state board was not mentioned in the petition, nor in the plaintiff's brief. The court did not specifically address its attention to the question of the five per cent reserve. Under those circumstances, we cannot regard Anderson v. Tiemann as being completely decisive of the question of the constitutional validity of this particular provision.

The basic difficulty we see with this provision is that it may be held to confer too much discretionary power upon the board, and therefore to be an unlawful delegation of legislative power. The fixing of tax rates is a legislative function. The Legislature, however, may delegate this function to an administrative body, but such power must be limited by standards prescribed in the legislative act. See Lincoln Dairy Company v. Finigan, 170 Neb. 777, 104 N. W. 2d 227 (1960), cited in Anderson v. Tiemann. The general theory in this area, particularly in one so clearly legislative as fixing tax rates, is that the exercise of discretion is largely the function of the Legislature, and that the administrative body carries out the legislative purpose under standards prescribed by the Legislature. Applied to the rate fixing function, the theory, which the court approved in Anderson v. Tiemann, is that the state board is simply performing the mechanical

function of making the necessary computations, based upon ascertainable figures specified in the statute. This theory breaks down somewhat when an open-ended figure of "not less than five per cent" is used. In theory, this could permit the board to set the tax rates at such figures as to produce an excess of five per cent, ten per cent, twenty per cent, or more, in their discretion, with no standards to limit the exercise of that discretion.

Since the court did not discuss this specific question, and since it was not directed to the attention of the court by the litigants, we cannot say with any confidence that the court might not now invalidate this provision, if it was called to its attention. We are therefore of the opinion that it would be well to provide for an upper limit to the reserve which may be provided for in the rate setting operation.

Very truly yours,

(Signed) PAUL L. DOUGLAS
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:saa

cc: Mr. Vincent D. Brown
Clerk of the Legislature

NOTICE OF COMMITTEE HEARING Committee on Committees

November 6, 1975

The Committee on Committees will meet at 12:00 Noon Friday, November 7th, 1975, in the Legislative Council Hearing Room, Room 2102, for the purpose of hearing the following appointment by Governor J. J. Exon, in accordance with Section 84-304 of the Revised Statutes:

Mr. Charles R. Patteson – Auditor of Public Accounts

(Signed) John S. Savage, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 2.

MOTION—Return LB 4 to Select File

Mr. Cavanaugh moved to return LB 4 to Select File for the following specific amendment:

AMENDMENTS TO L.B. 4, as AMENDED

1. Insert a new section 1 to read as follows:

"Section 1. That section 77-2703, Revised Statutes Supplement, 1974, be amended to read as follows:

77-2703. (1) There is hereby imposed a tax of two and one half per cent upon the gross receipts from all sales of tangible personal property sold at retail in this state, the gross receipts of every person engaged as a public utility or as a community antenna television service operator, and the gross receipts from the sale of admissions in this state, ~~until January 1, 1970, and on and after such date the rate shall be that which is set by the State Board of Equalization and Assessment as provided in section 77-2715.01.~~ When there is a sale, as defined in subdivision (13) of section 77-2702, after March 26, 1974, the tax shall be imposed at the rate in effect at the time the gross receipts are realized under the accounting basis used by the retailer to maintain his books and records.

2. On page 2, line 7 after "year" insert an underscored period; strike beginning with the comma in line 7 through the period in line 10 and show as stricken; in line 18 strike "sales and" and show as stricken and strike "rates" and insert "rates rate"; in line 20 strike "rates" and insert "rates the income tax rate"; and in line 27 strike "rates" and insert "rates rate".

3. On page 3, line 1 strike "rates" and insert "rates income tax rate"; and in line 25 strike "sales, use," and show as stricken and strike the last comma in line 25 and show as stricken.

4. On page 4 strike beginning with "rates" in line 2 through "and" in line 3 and show as stricken; in line 3 after "tax" insert "rate"; in line 5 strike "sales, use," and show as stricken and in line 5 strike the comma after "income" and show as stricken; strike lines 16 to 20 and show as stricken and in line 21 strike "(f)" and insert "~~(f)~~(e)".

5. On page 5, line 2 strike "(g)" and insert "~~(g)~~(f)"; strike beginning with "sales" in line 2 through "the" in line 4 and show as stricken; in line 4 after "fixed" insert "by the board"; in line 6 strike "(h)" and insert "~~(h)~~(g)"; and in line 20 strike "rates for sales tax and" and show as stricken and insert "rate for the".

6. On page 6, line 1 strike "rates" and insert "rates income tax rate"; strike beginning with the second "such" in line 7 through "and" in line 9 and show as stricken; in line 18 after "section" insert "77-2703, Revised Statutes Supplement, 1974, and section"; and in line 19 strike "is" and insert "are".

7. Renumber original sections 1 to 3 as sections 2 to 4 respectively.

Mr. Cavanaugh requested a record vote.

Voting in the affirmative, 12:

Anderson	Cavanaugh	Chambers	Fitzgerald	Fowler
Goodrich	F. Lewis	Mahoney	Moylan	Savage
Simpson	Syas			

Voting in the negative, 27:

Burbach	Carsten	Clark	Cope	Dworak
George	Hasebroock	Johnson	Kelly	Keyes
Kime	Koch	Kremer	R. Lewis	Luedtke
Maresh	Marsh	Marvel	Murphy	Nichol
Rasmussen	Rumery	Schmit	Stoney	Stull
Warner	Wiltse			

Not voting, 10:

Barnett	Bereuter	Burrows	DeCamp	Dickinson
Duis	Kennedy	Mills	Skarda	Swigart

The motion lost with 12 ayes, 27 nays and 10 not voting.

MOTION—Return LB 4 to Select File

Mr. Carsten moved to return LB 4 to Select File for the following specific amendment:

1. In the Burbach amendment 1, line 4, insert "two nor more than" after "than".

Mr. Dworak moved to amend the Carsten motion as follows:

1. In the Carsten amendment 1, line 4, insert "two nor more than 5%" after "not".

The Chair ruled the Dworak amendment was in order.

Mr. Warner appealed the decision of the Chair. The question is, "Shall the Chair be overruled?" The motion prevailed with 27 ayes, 0 nays and 22 not voting.

The Chair was overruled.

The Carsten motion prevailed with 30 ayes, 9 nays and 10 not voting.

SELECT FILE

LEGISLATIVE BILL 4. The Carsten specific amendment found in this day's Journal was adopted with 32 ayes, 6 nays and 11 not voting.

Advanced to E & R for Engrossment.

MOTION—Return LB 4 to Select File

Mr. Dworak moved to return LB 4 to Select File for the following specific amendment:

- In the Carsten amendment 1, line 4, insert "two nor more than 5%" after "not".

The motion lost with 15 ayes, 21 nays and 13 not voting.

UNANIMOUS CONSENT—Unbracket LB 5

Speaker Burbach asked unanimous consent to unbracket LB 5 on Select File. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 5. Advanced to E & R for Engrossment.

MOTION—Return LB 4 to Select File

Mr. Murphy moved to return LB 4 to Select File for the following specific amendment:

Amend the Burbach amendment to LB 4 as follows:

Line 5 – After “three per cent” insert “nor more than seven per cent”

The motion lost with 14 ayes, 24 nays and 11 not voting.

MOTION—Return LB 4 to Select File

Mr. Cavanaugh moved to return LB 4 to Select File for the following specific amendment:

1. On page 4, strike lines 16 to 20 and show as stricken and insert:

“(e) The rates of the sales and income taxes shall be fixed so that the total individual income tax levied will not exceed by more than twenty-five per cent the total sales and use taxes levied for the calendar year for which the rates so fixed will be effective.”.

Mr. Luedtke asked the Chair if the amendment was within the Call. The Chair ruled the amendment was.

Mr. Cavanaugh requested a record vote.

Voting in the affirmative, 16:

Anderson	Barnett	Burrows	Cavanaugh	Fitzgerald
Fowler	Goodrich	Keyes	F. Lewis	Mahoney
Mills	Moylan	Savage	Simpson	Swigart
Syas				

Voting in the negative, 27:

Bereuter	Burbach	Carsten	Clark	Cope
Duis	Dworak	George	Hasebrook	Johnson
Kelly	Kime	Koch	Kremer	R. Lewis
Luedtke	Maresh	Marsh	Murphy	Nichol
Rasmussen	Rumery	Schmit	Stoney	Stull
Warner	Wiltse			

Not voting, 6:

Chambers	DeCamp	Dickinson	Kennedy	Marvel
Skarda				

The motion lost with 16 ayes, 27 nays and 6 not voting.

MOTION—Return LB 4 to Select File

Mr. Kelly moved to return LB 4 to Select File for the following specific amendment:

Line 4 strike "not less than" in Burbach amendment

The motion lost with 7 ayes, 35 nays and 7 not voting.

ANNOUNCEMENT

Mr. Marvel announced a meeting of the Appropriations Committee in Room 1003 at 9:00 a.m., Friday morning.

ADJOURNMENT

At 5:18 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 3:00 p.m., Friday, November 7, 1975.

Vincent D. Brown
Clerk of the Legislature

SIXTH DAY—NOVEMBER 7, 1975**LEGISLATIVE JOURNAL****EIGHTY-FOURTH LEGISLATURE
FIRST SPECIAL SESSION****SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, November 7, 1975

Pursuant to adjournment, the Legislature met at 3:00 p.m., Speaker Burbach presiding.

PRAYER

The prayer was offered by the Chaplain.

O Lord, if it were just a question of a three per cent cut the decision might be a lot easier, but so many attendant questions are also involved: which three per cent? why? when? where? and what is most important?

So often we feel we are caught in the squeeze between actually serving, and only sitting around and trying to serve; between what is expected of us, and what is possible for us; between what is demanded, and what we can deliver; between the aspirations of the many, and the limitations of their representatives.

Guide us in our predicament, and ease the pressures that tend to squeeze us, so that the time remaining may be redeemed from the luxury of waiting, the rust of wasting, and fulfilled by the knowledge that we have done our best, together, and by Your help. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Stull and Wiltse who were excused and Messrs. Anderson, Koch, Johnson, Nichol, Mahoney, and Skarda who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 68, line 7, strike "Wednesday" and insert "Thursday."
The Journal for the Fifth day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 3. Correctly Engrossed.
LEGISLATIVE BILL 4. Correctly Engrossed.
LEGISLATIVE BILL 5. Correctly Engrossed.

(Signed) Donald N. Dworak, Chairman

SELECT COMMITTEE REPORT
Committee on Committees

November 6, 1975

The Committee on Committees desires to report favorably upon the appointments or reappointments listed below which were submitted by J. J. Exon. The Committee suggests the appointments be confirmed by the Legislative Body and suggest a record vote.

R. James Pearson — Department of Motor Vehicles

Senator Burbach and Senator Hasebroock appeared in support of Mr. Pearson's appointment and no one appeared in opposition.

Committee Vote: For: (8) Senators Clark, Hasebroock, Kelly, Keyes, Kime, Koch, Marsh, and Savage. Against: None. Absent and not voting: (5) Senators Chambers, DeCamp, Duis, Skarda, and Wiltse.

Tom C. Allington — Board of Educational Lands and Funds

Senator Clark appeared in support of Mr. Allington's appointment and no one appeared in opposition.

Committee Vote: For: (8) Senators Clark, Hasebroock, Kelly, Keyes, Kime, Koch, Marsh, and Savage. Against: None. Absent and not voting: (5) Senators Chambers, DeCamp, Duis, Skarda, and Wiltse.

Wendell Gangwish — Environmental Control Council

Senator Cope appeared in support of Mr. Gangwish's appointment and no one appeared in opposition.

Committee Vote: For: (8) Senators Clark, Hasebroock, Kelly, Keyes, Kime, Koch, Marsh, and Savage. Against: None. Absent and not voting: (5) Senators Chambers, DeCamp, Duis, Skarda, and Wiltse.

John T. Harris – Environmental Control Council

No one appeared in support and no one appeared in opposition to Mr. Harris' appointment.

Committee Vote: For: (8) Senators Clark, Hasebroock, Kelly, Keyes, Kime, Koch, Marsh, and Savage. Against: None. Absent and not voting: (5) Senators Chambers, DeCamp, Duis, Skarda, and Wiltse.

Martin Kahle – Environmental Control Council

Senator Cope appeared in support of Mr. Kahle's appointment and no one appeared in opposition.

Committee Vote: For: (8) Senators Clark, Hasebroock, Kelly, Keyes, Kime, Koch, Marsh, and Savage. Against: None. Absent and not voting: (5) Senators Chambers, DeCamp, Duis, Skarda, and Wiltse.

Dr. James H. Walston – Environmental Control Council

No one appeared in support and no one appeared in opposition to Mr. Walston's reappointment.

Committee Vote: For: (8) Senators Clark, Hasebroock, Kelly, Keyes, Kime, Koch, Marsh, and Savage. Against: None. Absent and not voting: (5) Senators Chambers, DeCamp, Duis, Skarda, and Wiltse.

Charles O. Morehouse – Public Employees Retirement Board

Senator Clark appeared in support of Mr. Morehouse's appointment and no one appeared in opposition.

Committee Vote: For: (8) Senators Clark, Hasebroock, Kelly, Keyes, Kime, Koch, Marsh, and Savage. Against: None. Absent and not voting: (5) Senators Chambers, DeCamp, Duis, Skarda, and Wiltse.

Ray L. Smith – Oil & Gas Conservation Commission

Senator Clark appeared in support of Mr. Smith's appointment and no one appeared in opposition.

Committee Vote: For: (8) Senators Clark, Hasebroock, Kelly, Keyes, Kime, Koch, Marsh, and Savage. Against: None. Absent and not voting: (5) Senators Chambers, DeCamp, Duis, Skarda, and Wiltse.

Margaret Sullivan — Public Employees Retirement Board

No one appeared in support of and no one appeared in opposition to Ms. Sullivan's appointment.

Committee Vote: For: (8) Senators Clark, Hasebroock, Kelly, Keyes, Kime, Koch, Marsh, and Savage. Against: None. Absent and not voting: (5) Senators Chambers, DeCamp, Duis, Skarda, and Wiltse.

(Signed) John S. Savage, Chairman

MESSAGE FROM THE GOVERNOR

November 7, 1975

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

The Legislature has essentially eliminated the three point total program that I offered to hold the line on the state sales and income taxes.

Nevertheless, I feel that it is necessary that all have an understanding of what the situation actually is as a result of your actions thus far in the special session.

I am advised by the Tax Commissioner that an increase in taxes has been mandated by your actions. At best the income tax would increase by 25% from 12% to 15%. The sales tax might conceivably be held at 2½%, pending final accumulations of all figures and factors, but we are perilously close to forcing this up to 3%. If this would happen, the income tax might be held to 13 or 14%.

Confusion has so abounded on the floor, that one Senator mistakenly said yesterday that we might see a \$25 million reduction in expenditures. The terms "cuts" and "reduction in expenditures" have been used with great inaccuracy by members of the Legislature.

The fact is that the majority of your body has not cut a penny in spending aside from what I recommended in my message and bills of October 22. You have actually scuttled over one half of the \$6.9 million in the operations budget cuts that I proposed.

In so doing, you have let the University of Nebraska, our largest spender of state tax dollars, and others completely off the hook.

I have strong objection to your majority actions of yesterday in that you accepted my reductions from those agencies who, in the interest of cooperation and conservation of funds made an honest effort to decrease

spending by 3% while you let off Scott-free some of the largest spenders who traditionally take the "poverty oath" when it comes to limiting spending.

Legislative action to date has essentially been one of not reducing but "postponing" or "deferring" capital construction authorizations into the next fiscal year by a series of parliamentary maneuvers and budget manipulations. They cannot be interpreted as "cuts" in spending.

These are the figures you have produced as of your adjournment last evening:

	<u>Governor's recommendation</u>	<u>Majority legislative action</u>
Operating fund reduction	6.9 million	2.9 million
Excess education aid funds	2.5	2.5
Governor's emergency fund	<u>1.0</u>	<u>1.0</u>
Total	10.4 million	6.4 million

In addition to your rejection of my suggested actual reduction of \$10.4 million to only \$6.4 million, the legislative majority has "deferred" or "delayed" but certainly not cut \$1.3 million from sewage treatment funds not scheduled for expenditure by June 30, 1976. Furthermore, an additional \$8.2 million again has simply been deferred but not cut from authorized spending.

Certainly we will be required to appropriate next year new funds for these deferrals or illusory budget cuts of \$9.5 million.

You will note that while some Senators have been harping about recognizing "express obligations," such has not been recognized in the projected tax rate increases. If the term has any meaning at all, for the purposes of rate setting, which I doubt, it would push the projected tax increases higher.

"Express obligations" is so vague and void of meaning that the Legislature itself failed to give it any consideration last year when you set a maximum income tax rate of 12%. You have done the same thing in your tax rate discussions during the special session.

Because of the significant tax rate impact of your actions to date, I therefore urge you to consider once again my proposals before proceeding on your present course.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw

SELECT COMMITTEE REPORTS
Committee on Committees

November 7, 1975

The Committee on Committees desires to report favorably upon the appointments or reappointments listed below which were submitted by J. J. Exon. The Committee suggests the appointments be confirmed by the Legislative Body and suggest a record vote.

Senator Carsten and Senator Warner substituted on the Committee on Committees on Friday, November 7th, 1975 to complete a quorum.

Gary Shults
Agricultural Products Industrial Utilization Committee

No one appeared in support and no one appeared in opposition to Mr. Shults' appointment.

Committee Vote: For: (9) Senators Clark, DeCamp, Duis, Kelly, Keyes, Marsh, Savage, Warner, and Carsten. Against: None. Absent and not voting: (6) Senators Chambers, Hasebroock, Kime, Koch, Skarda, and Wiltse.

Holly Hodge
Agricultural Products Industrial Utilization Committee

Senator Duis appeared in support of Mr. Hodge's appointment and no one appeared in opposition.

Committee Vote: For: (9) Senators Clark, DeCamp, Duis, Kelly, Keyes, Marsh, Savage, Warner, and Carsten. Against: None. Absent and not voting: (6) Senators Chambers, Hasebroock, Kime, Koch, Skarda, and Wiltse.

Robert Rauner
Agricultural Products Industrial Utilization Committee

Senator Clark appeared in support of Mr. Rauner's appointment and no one appeared in opposition.

Committee Vote: For: (9) Senators Clark, DeCamp, Duis, Kelly, Keyes, Marsh, Savage, Warner, and Carsten. Against: None. Absent and not voting: (6) Senators Chambers, Hasebroock, Kime, Koch, Skarda, and Wiltse.

Ronald KellyAgricultural Products Industrial Utilization Committee

No one appeared in support of and no one appeared in opposition to Mr. Kelly's appointment.

Committee Vote: For: (9) Senators Clark, DeCamp, Duis, Kelly, Keyes, Marsh, Savage, Warner, and Carsten. Against: None. Absent and not voting: (6) Senators Chambers, Hasebroock, Kime, Koch, Skarda, and Wiltse.

John SullivanAgricultural Products Industrial Utilization Committee

No one appeared in support of and no one appeared in opposition of Mr. Sullivan's appointment.

Committee Vote: For: (9) Senators Clark, DeCamp, Duis, Kelly, Keyes, Marsh, Savage, Warner, and Carsten. Against: None. Absent and not voting: (6) Senators Chambers, Hasebroock, Kime, Koch, Skarda, and Wiltse.

Jack QuackenbushAgricultural Products Industrial Utilization Committee

Senator Carsten appeared in support of Mr. Quackenbush's appointment and no one appeared in opposition.

Committee Vote: For: (9) Senators Clark, DeCamp, Duis, Kelly, Keyes, Marsh, Savage, Warner, and Carsten. Against: None. Absent and not voting: (6) Senators Chambers, Hasebroock, Kime, Koch, Skarda, and Wiltse.

Charles R. PattesonAnalyst for Mr. Ray Johnson, Auditor of Public Accounts

Mr. Harvey Carne, Office of Auditor of Public Accounts, appeared in support of Mr. Patteson's appointment and no one appeared in opposition.

Committee Vote: For: (9) Senators Clark, DeCamp, Duis, Kelly, Keyes, Marsh, Savage, Warner, and Carsten. Against: None. Absent and not voting: (6) Senators Chambers, Hasebroock, Kime, Koch, Skarda, and Wiltse.

(Signed) John S. Savage, Chairman

UNANIMOUS CONSENT—Members Excused

Messrs. Kelly and Simpson asked unanimous consent to be excused Monday, November 10, 1975. No objections. So ordered.

EASE

The Legislature was at ease from 3:08 p.m. until 3:58 p.m.

UNANIMOUS CONSENT—Member Excused

Mr. Bereuter asked unanimous consent to be excused on Monday, November 10, 1975. No objections. So ordered.

ANNOUNCEMENT

Mr. Duis announced the Prayer Books by Dr. Palmer are available in the Clerk's office for the members.

NOTICE OF COMMITTEE HEARING
Committee on Committees

The Committee on Committees will meet at 12:00 Noon, Monday, November 10, 1975, in the Legislative Council Hearing Room, Room 2102, for the purpose of hearing the following appointment by Governor J. J. Exon.

George Rebensdorf – Board of Trustees of Nebraska State Colleges

(Signed) John S. Savage, Chairman

JSS:rab

ATTORNEY GENERAL'S OPINION

Opinion No. 140
November 7, 1975

Dear Senator Warner:

You have asked whether the Governor's power of line item veto of appropriations extends to appropriations made in special session which are reconsiderations of appropriations made in the regular session. Three portions of the Constitution are relevant to the consideration of this issue -- Article IV, Section 15, Article IV, Section 7 and Article IV, Section 8.

Article IV, Section 8 provides the authority for the Governor to call special sessions of the Legislature in extraordinary circumstances. It has been exercised at this time for the purpose of reviewing the appropriations made in the regular session. Article IV, Section 7 provides in part:

"...No appropriations shall be made in excess of the recommendation contained in such budget including any amendment the Governor may make thereto unless by three-fifths vote of the Legislature, and such excess so approved shall be subject to veto by the Governor."

Article IV, Section 15 provides in part as follows:

"Every bill passed by the Legislature, before it becomes a law, shall be presented to the Governor. If he approves he shall sign it, and thereupon it shall become a law, but if he does not approve or reduces any item or items of appropriations, he shall return it with his objections to the Legislature, which shall enter the objections at large upon its journal, and proceed to reconsider the bill.... The Governor may disapprove or reduce any item or items of appropriation contained in bills passed by the Legislature, and the item or items so disapproved shall be stricken therefrom, and the items reduced shall remain as reduced unless repassed in the manner herein prescribed in cases of disapproval of bills." (Emphasis added).

An amendment to the Constitution becomes an integral part of the document. It must be harmonized if possible with all other provisions and effect must be given to every section and clause of the entire instrument. Swanson v. State, 132 Neb. 82, 271 N.W. 264. It should be remembered that the line item veto was adopted in 1972 as an amendment to the Constitution. Effect must be given if possible to all parts of the Constitution. While Section 7 states that no appropriation shall be made in excess of the Governor's recommendation as contained in the budget, Article IV, Section 15 provides that the Governor may disapprove or reduce any item of appropriation contained in bills passed by the Legislature. This is a much broader power than the restriction upon legislative action contained in Section 7.

Article IV, Section 15 refers to all items of appropriation in any bill passed by the Legislature. It is clear that actions taken in the form of bills at special sessions are just as much appropriations contained in the bills as those occurring at a regular session of the Legislature. There are no limitations contained in the Constitution on gubernatorial authority with regard to special sessions as distinguished from regular sessions. In fact, the only limitation found is that the Legislature may not enter upon business except that for which they were called contained in Section 8 of Article IV. Thus it is our opinion that the plain meaning of the words of the Constitution must be given effect, that is, that the Governor's power to veto or reduce appropriations made in bills is the same in a regular session as in a special session. The Supreme Court of the State of Nebraska has stated:

"... 'We are indebted to the suffrage of the people for the adoption of all amendments submitted and indeed for the

adoption of the original Constitution which such amendments changed. From this fact it is patent that, where the language employed is plain, the courts should accord to it the meaning which obviously would be accepted by the layman.' . . ." See, State ex rel. Meyer v. State Board of Equalization and Assessment, 185 Neb. 488, 496, 176 N.W.2d 732 (1970).

Thus the language used in Article IV, Section 15 which refers to the power of the Governor to reduce any item or items of appropriation contained in bills refers to all bills whether passed at special or regular sessions of the Legislature.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Patrick T. O'Brien
Special Assistant Attorney General

PTO:smh

cc: Mr. Vincent D. Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

VISITORS

The Speaker introduced 41 students and sponsors from Ord High School.

DISCUSSION

The members discussed the Governor's letter found in this Day's Journal.

RESOLUTION

LEGISLATIVE RESOLUTION 3.

Introduced by F. Lewis, 45th District.

WHEREAS, the American Indian is a true native of North America, which later became the United States of America; and

WHEREAS, the American Indians were the original inhabitants of the territory of Nebraska - later to become the State of Nebraska; and

WHEREAS, for two hundred years the several tribes of Nebraska Indians have been denied the rights, privileges, and opportunities that all other Nebraska citizens have enjoyed these two centuries.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SPECIAL SESSION:

1. That all Nebraska citizens, of all races and creeds, strive to promote unity of action in programs to permit Nebraska Indians to better understand their own community of interest and to enhance their economic opportunity and self-determination and to receive and evaluate proposals for projects and activities initiated by Indian Groups.

2. That all Nebraska citizens cooperate with and help coordinate the projects and activities of the United Indians of Nebraska, local community action committee agencies, and other Indian organizations.

3. That all Nebraska citizens challenge and appeal to government, industrial, religious, and other private sources of capital to support Nebraska Indians in their economic development and their need of Indian services.

Laid over.

SELECT COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 6. Replaced on Select File as amended.

E & R amendments to LB 6:

1. Renumber sections as follows:

LB 6 as introduced — sections 3, 4, 6 to 9, 12, 14 to 17, 19, 21 to 24, 26 to 33, 35, 38, 39, 43 to 46, 48 to 50, and 62 to 65, as sections 1 to 38, respectively, new section 67, added by the Marvel amendment as section 39, sections 1 to 33 of committee amendments as sections 40 to 72 respectively, sections 35 to 38 of committee amendments as sections 73 to 76 respectively, sections 104 to 106 added by the Schmit amendments as sections 77 to 79 respectively, and original sections 67 to 69 as sections 80 to 82 respectively.

2. Strike committee amendment 2.

3. In line 4 of E & R 3 adopted 11/6, insert
“, line 2,” after “66”.

4. Strike E & R 4 to 7 adopted 11/6.

5. In renumbered section 39, line 3, strike
the comma.

6. In the second Clark amendment 1, found on page 71 of the Journal, strike “83rd Legislature, Second Session,”.

7. In line 2 of the Warner amendment 4 as amended by the Cavanaugh amendment, insert “and show as stricken” after “1”.

8. In renumbered section 77, line 1, insert
“outstanding” after “all”; and in line 4 insert “on which bills for” after “date”.

9. In renumbered section 78, line 4, strike "104" and insert "77".

10. In renumbered section 79, line 2, strike "105" and insert "78"; in line 3, insert an underscored comma after "days"; and in the last line strike "104 to 106" and insert "77 to 79".

11. Pursuant to the Burrows amendment to page 61, on page 65, line 24, as amended, strike "27,727,088" and insert "27,892,976"; and on page 66, line 2, as amended, strike "41,489,815" and insert "41,655,703".

12. In committee amendments, page 22, line 6, strike "1 to 34" and insert "40 to 72".

13. Strike the Schmit amendments 2 and 3 found on page 47 of the Journal.

14. On page 149, strike beginning with "section" in line 11 through line 12; in line 13 strike "2 to 4, 6" and insert "3, 4, 7"; strike line 15 through the third "to" and insert "6 to 9, 11, 13 to 16, 19, and"; in line 16 strike "sections" and insert "section"; in line 17 strike "3," and strike "and 10,"; in line 20 strike "9 and 11" and insert "7, 9, and"; in line 21 strike "to"; in line 24 strike "3 to" and strike "22,"; strike beginning with "section" in line 25 through "10" on page 150, line 2 and insert "section 2"; on page 150, line 4, strike "sections 11 to" and insert "section"; in line 11 strike "and"; and in line 12, after "1975" insert ", section 77-2602, Revised Statutes Supplement, 1974, and section 32, Legislative Bill 609, Eighty-fourth Legislature, First Session, 1975, with items disapproved pursuant to authority granted by Article IV, section 15, of the Constitution of Nebraska, and also sections 7 and 37, Legislative Bill 256, Eighty-third Legislature, First Session, 1973, sections 2, 3, 7, 16, 17, 35, and 52, Legislative Bill 1055, Eighty-third Legislature, Second Session, 1974, section 3, Legislative Bill 1058, Eighty-third Legislature, Second Session, 1974, Legislative Bills 215A and 417A, Eighty-fourth Legislature, First Session, 1975, section 1, Legislative Bill 553, Eighty-fourth Legislature, First Session, 1975, sections 2 to 6, 13, 14, 16, 18 to 21, 23, and 25, Legislative Bill 609, Eighty-fourth Legislature, First Session, 1975, and sections 3, 4, and 6, Legislative Bill 611, Eighty-fourth Legislature, First Session, 1975".

15. In the title, strike beginning with "section" in line 2 through the third comma in line 4; in line 4 strike "2"; in line 5 strike "to 4, 6" and insert "3, 4, 7"; strike line 7 and insert "1975, sections

6 to 9, 11, 13 to 16, 19, and"; in lines 9 and 10 strike "sections 3, 4, and 10" and insert "section 4"; in line 14 strike "9 and 11 to" and insert "7, 9, and"; in line 18 strike "3"; in line 19 strike "to" and strike "22,"; strike beginning with "section" in line 21 through line 25 and insert "section 2"; in line 26 strike "6 to 10"; in lines 27 and 28 strike "sections 11 to" and insert "section"; in line 37, strike "and"; in line 39, after "1975" insert ", section 77-2602, Revised Statutes Supplement, 1974, and section 32, Legislative Bill 609, Eighty-fourth Legislature, First Session, 1975, with items disapproved pursuant to authority granted by Article IV, section 15, of the Constitution of Nebraska"; strike line 40 and through the first semicolon in line 41 and insert "to appropriate and reappropriate funds; to provide directions; to provide for capital construction; to provide for the payment of accounts; to provide for construction,"; and after "sections" in line 42 insert ", and also sections 7 and 37, Legislative Bill 256, Eighty-third Legislature, First Session, 1973, sections 2, 3, 7, 16, 17, 35, and 52, Legislative Bill 1055, Eighty-third Legislature, Second Session, 1974, section 3, Legislative Bill 1058, Eighty-third Legislature, Second Session, 1974, Legislative Bills 215A and 417A, Eighty-fourth Legislature, First Session, 1975, section 1, Legislative Bill 553, Eighty-fourth Legislature, First Session, 1975, sections 2 to 6, 13, 14, 16, 18 to 21, 23, and 25, Legislative Bill 609, Eighty-fourth Legislature, First Session, 1975, and sections 3, 4, and 6, Legislative Bill 611, Eighty-fourth Legislature, First Session, 1975".

(Signed) Donald N. Dworak, Chairman

SELECT FILE

LEGISLATIVE BILL 6. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORTS Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: LB 6.

(Signed) Donald N. Dworak, Chairman

MOTION—Tax Commissioner

Mr. Swigart moved to have the Tax Commissioner meet with the members at 2:00 p.m., Monday, November 10, 1975.

The motion prevailed with 26 ayes, 2 nays and 21 not voting.

ADJOURNMENT

At 4:23 p.m., on a motion by Mr. Simpson, the Legislature adjourned until 2:00 p.m., Monday, November 10, 1975.

Vincent D. Brown
Clerk of the Legislature

SEVENTH DAY—NOVEMBER 10, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SPECIAL SESSION

SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, November 10, 1975

Pursuant to adjournment, the Legislature met at 2:00 p.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

Lord Jesus, when we get sick of ourselves, ashamed of our littleness, our selfishness, and the petty things that irritate us, then let it be the beginning of spiritual health by making us willing to have thee create in us clean hearts and renew right spirits within us. Hold us steady lest we lose our poise. Guard our speech lest by cutting words and careless deeds we hurt our colleagues in the cause for which we seek. Where we differ in approach to a problem, may we ever be open to consider another and a better way, guided, not by whether it be popular, or expedient, or practical, but always whether it be right. Hear our prayer, O Lord, and help us, through Jesus Christ. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Bereuter, Kremer, Mahoney, Moylan, Simpson and Warner who were excused; Mr. Marvel who was excused until he arrives; and Mr. Nichol who was absent.

CORRECTIONS FOR THE JOURNAL

Correct the Committee on Committee report page 93, line 21 to read "Mr. Hodge" instead of "Ms. Hodge".

(Signed) John S. Savage

The Journal for the Sixth Day was approved as corrected.

UNANIMOUS CONSENT—Member Excused

Mr. R. Lewis asked unanimous consent to be excused tomorrow. No objections. So ordered.

UNANIMOUS CONSENT—Print in Journal

Speaker Burbach asked unanimous consent to print the following Attorney General's Opinion in the Journal and have copies passed out to the members. No objections. So ordered.

Opinion No. 141
November 10, 1975

The Honorable J. James Exon
Governor of the State of Nebraska
State Capitol Building
Lincoln, Nebraska

Dear Governor:

In your letter of November 6, 1975, you ask our opinion as to the constitutional validity of the language in Sections 77-2715.01 and 77-2715.03, 1975 Supp., requiring the State Board of Equalization and Assessment to take into account in setting sales and income tax rates "express obligations," as defined in those sections. We believe there may be some difficulty in sustaining some of the language involved. Section 77-2715.01(1) (h), provides:

"For purposes of this section, express obligation shall mean an obligation which has fiscal impact identifiable by a sum certain or by an established percentage or other determinative factor or factors."

Section 77-2715.03 provides:

"(1) For the purposes of sections 77-2715.01 to 77-2715.03 and 77-2734, express obligations shall include, but not be limited to, incremental increases in the homestead exemption, personal property tax relief, specific appropriations for future years, or other items identified by the State Board of Equalization and Assessment as express obligations under the provisions of subsections (2) and (3) of this section.

"(2) The State Board of Equalization and Assessment shall adopt and promulgate rules and regulations pursuant to Chapter 84, article 9, prescribing what the board considers to be an express obligation for purposes of section 77-2715.01, estimates of costs for each of the obligations, and the method of determining such costs.

"(3) The State Board of Equalization and Assessment shall

annually submit a statement to the Governor and the Clerk of the Legislature identifying all express obligations, along with the factors considered in making such determinations, and the costs of such obligations. Such statement shall be submitted on or before September 1 of each year. The clerk shall distribute copies of the statement to each member of the Legislature and to the Legislative Fiscal Analyst."

In approaching this problem, we must remember that the fixing of tax rates is a legislative function. In Anderson v. Tiemann, 182 Neb. 393, 155 N.W.2d 322 (1967), the court held that the delegation of the rate-fixing power to the State Board of Equalization and Assessment was proper, under the standards set up in the act. The court cited Lincoln Dairy Company v. Finnigan, 170 Neb. 777, 104 N.W.2d 227 (1960). In that case the court held that the delegation of power to an administrative body to carry out an expressed legislative purpose was not the delegation of legislative powers, but of administrative ones, but that it was fundamental that the grant of power must be limited to the expressed legislative purpose and administered in accordance with standards provided in the legislative act. It was the conclusion of the court in Anderson v. Tiemann that the act, as it then read, contained sufficient standards to enable the board to perform the delegated rate-fixing function.

The language we are considering, however, was not in the original sales and income tax act. In 1971, in LB 167, the Legislature first required the board to take into account "fixed obligations," without defining the term. In 1973, Section 77-2715.01 was amended to require the board to take "express obligations" into account, and defined the term as found in subsection (1) (h). Section 77-2715.03 was adopted in 1975. Anderson v. Tiemann is therefore not helpful to us in determining the question you ask.

We do not believe that the definition found in Section 77-2715.01 is helpful. It attempts to define "express obligations" by the use of the word "obligation" and does not define what an obligation is. To what extent is the Legislature "obligated" to finance programs for which it has not yet appropriated money? There are many programs which, as a political matter, the Legislature is certain to continue, but can we say they are "obligations?" We think not. We do not believe it is proper to delegate to the State Board of Equalization and Assessment the decision as to whether or not taxes should be levied to support programs which, in the discretion of the Legislature, may be dropped. Section 77-2715.03 requires the board to adopt rules and regulations identifying express obligations being taken into account. No standards or guidelines are set out to limit the board. The power given is so broad that the court could very well hold that too much discretionary power has been given to the board. The exercise of discretion is a legislative function. In giving this broad, vague, ill-defined and unlimited power to the board, the Legislature may well have delegated

legislative powers, in violation of the Nebraska Constitution.

To the extent that "express obligations" have been identified, they can, and should be taken into account. Some are identified in Section 77-2715.03(1). We believe that in some cases the Legislature, in enacting statutes dealing with certain programs, have said that those programs should be considered express obligations by the state board. Where that has happened, the board should obey the legislative mandate. Other than that, we feel a court might well hold the statutory language too vague, and too broad, to comply with the constitutional requirements for the delegation of legislative functions to administrative bodies.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:smh

MESSAGE FROM THE GOVERNOR

November 7, 1975

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment to the Board of Trustees of Nebraska State Colleges requiring legislative confirmation:

Appointment of George Rebensdorf, 502 South 67th St., Omaha, to serve a term ending January 1, 1979. This vacancy was created by the resignation of George Egermayer of Omaha.

I respectfully submit this appointment for your consideration.

Sincerely,

(Signed) J. James Exon
Governor

JJE:sa

SELECT COMMITTEE REPORT Committee on Committees

November 10, 1975

The Committee on Committees desires to report favorably upon the appointment of Mr. George Rebensdorf to the Board of Trustees of Nebraska State Colleges. The Committee suggests the appointment be confirmed by the Legislative Body and suggests a record vote.

George Rebensdorf

Board of Trustees of Nebraska State Colleges

No one appeared in favor of Mr. Rebensdorf's appointment and no one appeared in opposition.

Committee Vote: For: (7) Senators Kelly, Keyes, Kime, Marsh, Savage, Wiltse, and Murphy. Against: None. Absent and Not voting: (7) Senators Chambers, Clark, DeCamp, Duis, Hasebroock, Koch, and Skarda.

(Signed) John S. Savage, Chairman

RESOLUTION

LEGISLATIVE RESOLUTION 3. Read and Considered.

Laid over until Tuesday, November 11, 1975 at the request of Mr. F. Lewis.

UNANIMOUS CONSENT—Confirm Appointments

Mr. Savage asked unanimous consent to vote on confirmation of the Governor appointments referred to on pages 65, 73, 89 and 93 of the Legislative Journal in four separate votes. No objections. So ordered.

Vote on E. Benjamin Nelson, Mrs. Sarah Bates, Glenn W. Chase, Forrest F. Combs, Karl E. Dickinson, Richard E. Person, Benjamin M. Wall, Phil Weaver and Ed Crowley.

Voting in the affirmative, 36:

Anderson	Barnett	Burbach	Burrows	Carsten
Cavanaugh	Chambers	Cope	DeCamp	Dickinson
Duis	Dworak	Fitzgerald	George	Goodrich
Hasebroock	Kelly	Kennedy	Kime	F. Lewis
R. Lewis	Luedtke	Maresh	Marsh	Mills
Murphy	Rasmussen	Rumery	Savage	Schmit
Skarda	Stoney	Stull	Swigart	Syas
Wiltse				

Voting in the negative, 0.

Not voting, 13:

Bereuter	Clark	Fowler	Johnson	Keyes
Koch	Kremer	Mahoney	Marvel	Moylan
Nichol	Simpson	Warner		

The Chair declared the appointments confirmed.

Vote on Jack Cleavenger, Norval Bowen, Ed Brandt, Robert J. Chase, Ralph Crowl, Paul C. Schorr III, Weston Webb, L. E. Donegan, Paul F. Harm, David H. Smith, Richard A. Veach and Merle Kingsbury.

Voting in the affirmative, 36:

Barnett	Burbach	Burrows	Carsten	Cavanaugh
Clark	Cope	DeCamp	Dickinson	Duis
Fitzgerald	Fowler	George	Goodrich	Hasebroock
Kelly	Kennedy	Keyes	Koch	F. Lewis
R. Lewis	Luedtke	Maresh	Marsh	Mills
Murphy	Rasmussen	Rumery	Savage	Schmit
Skarda	Stoney	Stull	Swigart	Syas
Wiltse				

Voting in the negative, 0.

Not voting, 13:

Anderson	Bereuter	Chambers	Dworak	Johnson
Kime	Kremer	Mahoney	Marvel	Moylan
Nichol	Simpson	Warner		

The Chair declared the appointments confirmed.

Vote on R. James Pearson, Tom C. Allington, Wendell Gangwish, John T. Harris, Martin Kahle, Dr. James H. Walston, Charles O. Morehouse, Ray L. Smith, Margaret Sullivan.

Voting in the affirmative, 35:

Anderson	Barnett	Burbach	Burrows	Carsten
Cope	DeCamp	Dickinson	Duis	Dworak
Fitzgerald	Fowler	George	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Koch	F. Lewis
Luedtke	Maresh	Marsh	Mills	Murphy
Rasmussen	Rumery	Savage	Schmit	Skarda
Stoney	Stull	Swigart	Syas	Wiltse

Voting in the negative, 0.

Not voting, 14:

Bereuter	Cavanaugh	Chambers	Clark	Goodrich
Kime	Kremer	R. Lewis	Mahoney	Marvel
Moylan	Nichol	Simpson	Warner	

The Chair declared the appointments confirmed.

Vote on Gary Shults, Holly Hodge, Robert Rauner, Ronald Kelly, John Sullivan, Jack Quackenbush and Charles R. Patteson.

Voting in the affirmative, 39:

Anderson	Burbach	Burrows	Carsten	Cavanaugh
Chambers	Cope	DeCamp	Dickinson	Duis
Dworak	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Koch	F. Lewis	R. Lewis	Luedtke
Mareh	Marsh	Mills	Murphy	Rasmussen
Rumery	Savage	Schmit	Skarda	Stoney
Stull	Swigart	Syas	Wiltse	

Voting in the negative, 0.

Not voting, 10:

Barnett	Bereuter	Clark	Kremer	Mahoney
Marvel	Moylan	Nichol	Simpson	Warner

The Chair declared the appointments confirmed.

ANNOUNCEMENT

Mr. Barnett announced a meeting of the Executive Board immediately after Mr. Peters meets with the members today.

ADJOURNMENT

Speaker Burbach moved to adjourn until 9:00 a.m. The motion prevailed with 23 ayes, 12 nays and 14 not voting. The Legislature adjourned at 2:23 p.m. until 9:00 a.m., Tuesday, November 11, 1975.

Vincent D. Brown
Clerk of the Legislature

EIGHTH DAY—NOVEMBER 11, 1975**LEGISLATIVE JOURNAL****EIGHTY-FOURTH LEGISLATURE
FIRST SPECIAL SESSION****EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, November 11, 1975

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

O God, our Father, may the Session that is now concluding teach us and not torment us. Help us to be realistic about ourselves, and our accomplishments.

May we not steal credit for success, nor deny blame for failure. Give us the grace to take things as they are, and to resolve, by thy help, to make them what they ought to be, in the strong name of Jesus Christ our Lord.

So go with us as we leave this place, and remain with us during the coming weeks, as we prepare for our Session together in January, that through our private actions as citizens we may reinforce what, through our public actions as senators we have accomplished in this chamber, together. Amen.

ROLL CALL

The roll was called and all members were present except Mr. R. Lewis who was excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventh Day was approved.

MOTION—Confirm Appointment

Mr. Savage moved the adoption of the committee report on the Confirmation of George Rebensdorf found in the Journal on page 105.

Voting in the affirmative, 36:

Anderson	Barnett	Burbach	Burrows	Clark
Cope	DeCamp	Duis	Dworak	George
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Koch	Kremer	F. Lewis	Luedtke
Mahoney	Maresh	Marsh	Mills	Moylan
Nichol	Rasmussen	Rumery	Savage	Simpson
Skarda	Stoney	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 0.

Not voting, 13:

Bereuter	Carsten	Cavanaugh	Chambers	Dickinson
Fitzgerald	Fowler	Kime	R. Lewis	Marvel
Murphy	Schmit	Stull		

The Chair declared the appointment confirmed.

MOTION—Suspend Rules

Speaker Burbach moved to suspend the rules, Rule 6, sec. 6b, and consider tomorrow's Final Readings today.

The motion prevailed with 41 ayes, 0 nays and 8 not voting.

MOTION—Return LB 3 to Select File

Mr. Murphy moved to return LB 3 to Select File for the following specific amendment:

To strike the present matter, and re-instate the original

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 13 nays and 8 not voting.

The Murphy motion lost with 10 ayes, 33 nays and 6 not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 3. With Emergency.

A BILL FOR AN ACT relating to state funds; to provide for monthly payments from such funds as prescribed; to provide for more rapid distribution of certain payments; to provide duties of the State Treasurer;

to amend sections 77-27,137, 77-27,137.01, and 79-1333, Reissue Revised Statutes of Nebraska, 1943, sections 77-202.22, 77-202.30, and 79-4,160, Revised Statutes Supplement, 1974, and section 43-648, Revised Statutes Supplement, 1975; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
DeCamp	Dickinson	Duis	Dworak	Fitzgerald
Fowler	George	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Koch	Kremer
Luedtke	Mahoney	Maresh	Marsh	Marvel
Mills	Moylan	Murphy	Nichol	Rasmussen
Rumery	Savage	Schmit	Simpson	Skarda
Stoney	Stull	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 2:

Kime F. Lewis

Not voting, 1:

R. Lewis

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION—Return LB 4 to Select File

Mr. Duis moved to return LB 4 to Select File for the following specific amendment:

To return to original form plus committee amendments and the overlay to overlevy amendment.

Mrs. Marsh raised a point of order on whether we are on Final Reading and the Senators need be in their chairs.

The Chair ruled we are on Final Reading.

Mrs. Marsh appealed the decision of the Chair.

The question is, "Shall the Chair be overruled?" The motion lost with 15 ayes, 24 nays and 10 not voting.

Mr. Savage moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 13 nays and 11 not voting.

Mr. Duis requested a roll call vote.

Voting in the affirmative, 23:

Barnett	Cavanaugh	Clark	Dickinson	Duis
Dworak	Fitzgerald	George	Goodrich	Kelly
Kennedy	Keyes	Kime	F. Lewis	Marvel
Mills	Rasmussen	Rumery	Stoney	Stull
Swigart	Warner	Wiltse		

Voting in the negative, 23:

Anderson	Bereuter	Burbach	Burrows	Carsten
Cope	DeCamp	Fowler	Hasebroock	Koch
Kremer	Luedtke	Mahoney	Maresh	Marsh
Moylan	Murphy	Nichol	Savage	Schmit
Simpson	Skarda	Syas		

Not voting, 3:

Chambers	Johnson	R. Lewis
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The Duis motion lost with 23 ayes, 23 nays and 3 not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 4. With Emergency.

A BILL FOR AN ACT to amend section 77-2715.01, Revised Statutes Supplement, 1975, relating to taxation; to provide a standard for setting the 1976 tax rates; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 42:

Anderson	Barnett	Bereuter	Burbach	Carsten
Clark	Cope	DeCamp	Dickinson	Duis
Fitzgerald	Fowler	George	Goodrich	Hasebrook
Kelly	Kennedy	Keyes	Kime	Koch
Kremer	Luedtke	Mahoney	Maresh	Marsh
Marvel	Mills	Moylan	Murphy	Nichol
Rasmussen	Rumery	Savage	Schmit	Simpson
Skarda	Stoney	Stull	Swigart	Syas
Warner	Wiltse			

Voting in the negative, 5:

Burrows	Cavanaugh	Chambers	Dworak	F. Lewis
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Not voting, 2:

Johnson	R. Lewis
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

UNANIMOUS CONSENT—Change of Order

Speaker Burbach asked unanimous consent to consider LB 6 on Final Reading before LB 5. No objections. So ordered.

MOTION—Return LB 6 to Select File

Mr. Dickinson moved to return LB 6 to Select File for the following specific amendment:

To return LB 6 to Select File for specific amendment that amendment being to strike all amendments adopted to this time, excluding mental health amendment.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 10 nays and 9 not voting.

The Dickinson motion lost with 16 ayes, 30 nays and 3 not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 6. With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend sections 3, 4, 7 to 9, and 11, Legislative Bill 603, Eighty-fourth Legislature, First Session, 1975, sections 6 to 9, 11, 13 to 16, 19, and 20, Legislative Bill 604, Eighty-fourth Legislature, First Session, 1975, section 4, Legislative Bill 604, Eighty-fourth Legislature, First Session, 1975, with items reduced pursuant to authority granted by Article IV, section 15, of the Constitution of Nebraska, sections 2 to 7, 9, and 13, Legislative Bill 605, Eighty-fourth Legislature, First Session, 1975, section 2, Legislative Bill 606, Eighty-fourth Legislature, First Session, 1975, sections 5, 8, 10, 12, 26, and 27, Legislative Bill 607, Eighty-fourth Legislature, First Session, 1975, section 2, Legislative Bill 610, Eighty-fourth Legislature, First Session, 1975, section 15, Legislative Bill 610, Eighty-fourth Legislature, First Session, 1975, with items reduced pursuant to authority granted by Article IV, section 15, of the Constitution of Nebraska, section 16, Legislative Bill 610, Eighty-fourth Legislature, First Session, 1975, with items reduced or disapproved pursuant to authority granted by Article IV, section 15, of the Constitution of Nebraska, section 10, Legislative Bill 612, Eighty-fourth Legislature, First Session, 1975, section 77-2602, Revised Statutes Supplement, 1974, and section 32, Legislative Bill 609, Eighty-fourth Legislature, First Session, 1975, with items disapproved pursuant to authority granted by Article IV, section 15, of the Constitution of Nebraska; to reduce General Fund appropriations; to appropriate and reappropriate funds; to provide directions; to provide for capital construction; to provide for the payment of accounts; to provide for construction; to provide severability; to repeal the original sections, and also sections 7 and 37, Legislative Bill 256, Eighty-third Legislature, First Session, 1973, sections 2, 3, 7, 16, 17, 35, and 52, Legislative Bill 1055, Eighty-third Legislature, Second Session, 1974, section 3, Legislative Bill 1058, Eighty-third Legislature, Second Session, 1974, Legislative Bills 215A and 417A, Eighty-fourth Legislature, First Session, 1975, section 1, Legislative Bill 553, Eighty-fourth Legislature, First Session, 1975, sections 2 to 6, 13, 14, 16, 18 to 21, 23, and 25, Legislative Bill 609, Eighty-fourth Legislature, First Session, 1975, and sections 3, 4, and 6, Legislative Bill 611, Eighty-fourth Legislature, First Session, 1975; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 42:

Anderson	Bereuter	Burbach	Burrows	Carsten
Cavanaugh	Clark	Cope	DeCamp	Dickinson
Duis	Dworak	Fitzgerald	Fowler	Goodrich
Hasebroock	Johnson	Keyes	Kime	Koch

Kremer	F. Lewis	Luedtke	Mahoney	Maresh
Marsh	Marvel	Mills	Moylan	Nichol
Rasmussen	Rumery	Savage	Schmit	Simpson
Skarda	Stoney	Stull	Swigart	Syas
Warner	Wiltse			

Voting in the negative, 6:

Barnett	Chambers	George	Kelly	Kennedy
Murphy				

Not voting, 1:

R. Lewis

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

UNANIMOUS CONSENT—Members Excused

Messrs. Marvel and Bereuter asked unanimous consent to be excused the remainder of the day. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 5. With Emergency.

A BILL FOR AN ACT to provide for the compensation of employees, mileage of members, and for supplies and other incidental expenses incurred during the Eighty-fourth Legislature, First Special Session, 1975; to make an appropriation therefor; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Anderson	Burbach	Burrows	Carsten	Cavanaugh
Chambers	Clark	Cope	DeCamp	Dickinson
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kime	Koch	Kremer	F. Lewis

Luedtke	Mahoney	Maresh	Marsh	Mills
Moylan	Murphy	Nichol	Rasmussen	Rumery
Savage	Schmit	Simpson	Skarda	Stoney
Stull	Swigart	Syas	Warner	Wiltse

Voting in the negative, 1:

Barnett

Not voting, 3:

Bereuter R. Lewis Marvel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 3, 4, 5, and 6.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 3, 4, 5, and 6.

UNANIMOUS CONSENT—Member Excused

Mr. Anderson asked unanimous consent to be excused the remainder of the day. No objections. So ordered.

EXPLANATION OF VOTE

Had I been present I would have voted:

LB 3	Yes
LB 4	Yes
LB 5	Yes
LB 6	No

(Signed) Richard Lewis

RESOLUTION

LEGISLATIVE RESOLUTION 3. Read and Considered.

Speaker Burbach offered the following amendment to LR 3:

paragraph 1, last line insert "peaceful" before
"Indian Groups"

paragraph 2, last line insert "peaceful" before
"Indian Organizations"

The amendment was adopted with 31 ayes, 0 nays and 18 not voting.

Mr. Chambers offered the following amendment to LR 3:

Amend third "Whereas" to delete the word "all"

The amendment was adopted with 29 ayes, 0 nays and 20 not voting.

LR 3 was adopted, as amended, with 33 ayes, 0 nays and 16 not voting.

PRESENTED TO GOVERNOR

Presented to the Governor on November 11, 1975, at 11:25 a.m., were the following bills: 3, 4, 5, and 6.

(Signed) Emory P. Burnett
E & R Attorney

RESOLUTION

LEGISLATIVE RESOLUTION 4.

Introduced by DeCamp, 40th District; Schmit, 23rd District; Swigart, 8th District; Luedtke, 28th District.

WHEREAS, the Legislature was called into Special Session by Proclamation of the Governor on the fifteenth day of October, 1975; and

WHEREAS, the Governor in his message to the Legislature stated that the "twin demons of substantial tax increases on one hand and the inability to meet state obligations on the other" could be overcome if the Legislature adopted his total package of proposed legislation; and

WHEREAS, the Legislature convened in Special Session on October 22, 1975 and carefully deliberated upon the Governor's proposed remedies to "Nebraska's Financial Crunch"; and

WHEREAS, Legislative Bill 3, as amended by the Legislature directly deals with the cash flow problem by restructuring the method of payments to governmental subdivisions; and

WHEREAS, Legislative Bills 4 and 6, as amended provide (1) substantial reductions in General Funds appropriations, (2) availability of Capitol Construction Funds, and (3) greater flexibility to the State Board of Equalization and Assessment in setting the sales and income tax rates; and

WHEREAS, the Legislature has, in an even larger degree than the Governor had proposed, taken steps to avert a potential financial predicament in Nebraska; and

WHEREAS, the actions taken by the Legislature have eliminated the need for a sales tax increase and the need for any significant income tax increase; and

WHEREAS, by action taken on Legislative Bills 3, 4, and 6 the Legislature has with detail dealt with the issues for which the special session was called.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SPECIAL SESSION:

1. That the Governor be encouraged and requested to develop and implement appropriate administrative procedures to carry out the policy embodied in Legislative Bills 3, 4, and 6, which policy is to (1) PREVENT ANY SALES TAX INCREASE, (2) TO SELECTIVELY ADJUST THE BUDGET WITH CUTS WHERE THEY CAN BEST BE ABSORBED WHILE NOT DAMAGING OR INFLICTING SERIOUS FINANCIAL PROBLEMS UPON AREAS OF GOVERNMENT WHICH AT THIS TIME MIGHT BE SERIOUSLY DAMAGED BY FINANCIAL CUTS, (3) AND FINALLY, TO GIVE THE GOVERNOR BOTH THE FLEXIBILITY AND THE DIRECTION TO KEEP NEBRASKA ON A SOUND FINANCIAL COURSE WHILE MAKING PROMPT PAYMENT OF STATE OBLIGATIONS.

2. That because the complexity of present tax problems affords the opportunity for confusion and misunderstanding, that a copy of this resolution be sent to all news media in this state to provide them additional information to aid them in their job of providing the people of Nebraska a clear and concise picture of (1) the nature of the problem, (2) the actions of the Legislature in the Legislature's work towards a resolution of the problem, and (3) the attitude of the Legislature that these actions should prevent any sales tax increase or any substantial income tax increase if the policies are properly administered and if the data provided to the Legislature is accurate.

Mr. DeCamp asked unanimous consent to consider LR 4 today. No objections. So ordered.

Mr. DeCamp moved LR 4 be adopted.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 15 nays and 9 not voting.

Mr. Cavanaugh requested a record vote on LR 4.

Voting in the affirmative, 25:

Barnett	Burbach	Carsten	Clark	Cope
DeCamp	Dickinson	Fitzgerald	Goodrich	Hasebroock
Johnson	Kelly	Kremer	Luedtke	Maresh
Marsh	Moylan	Rasmussen	Rumery	Schmit
Simpson	Stoney	Swigart	Syas	Wiltse

Voting in the negative, 15:

Burrows	Cavanaugh	Chambers	Dworak	Fowler
Kennedy	Keyes	Koch	F. Lewis	Mahoney
Mills	Nichol	Skarda	Stull	Warner

Not voting, 9:

Anderson	Bereuter	Duis	George	Kime
R. Lewis	Marvel	Murphy	Savage	

LR 4 was adopted with 25 ayes, 15 nays and 9 not voting.

MOTION—Advise Governor

Mr. Barnett moved that a committee of five be appointed to wait upon the Governor to advise him that the Legislature has completed its work and is ready to adjourn and to ask if he has any further message for the Legislature.

The motion prevailed. The Chair appointed Messrs. Barnett, Maresh, Burrows, Cavanaugh and DeCamp to serve on said committee.

The Committee returned and escorted Governor J. James Exon to the rostrum.

Governor Exon addressed the members briefly. The Committee escorted the Governor from the Chamber.

MOTION—Permanent Journal and Session Laws

Mr. Warner moved that the Clerk of the Legislature be instructed to send to each member of the Legislature, to the Lieutenant Governor, and to each authorized member of the press assigned to the Legislature for the Eighty-Fourth (First Special Session) Session a copy of the Permanent Legislative Journal of said session and a copy of the Session Laws passed thereat.

The motion prevailed.

MOTION—Committee Records

Mr. Dickinson moved that the chairman of each standing committee be requested to file with the Clerk of the Legislature any standing committee records, so that a proper record may be made of the final disposition of such bills.

The motion prevailed.

MOTION—Retain Help

Mr. George moved that the Executive Board of the Legislative Council be directed to retain such help as may be required to complete the business of the office for the Eighty-Fourth (First Special Session) Session of the Legislature.

The motion prevailed.

MOTION—Approve Journal

Mr. Kelly moved that the Legislative Journal for the Eighth Day be approved as prepared by the Clerk.

The motion prevailed.

MOTION—Adjournment

Mr. Skarda moved that the Eighty-Fourth (First Special Session) Session of the Legislature, having finished all business before it, now adjourn, sine die.

The motion prevailed and at 12:06 p.m. the Legislature adjourned sine die.

Vincent D. Brown
Clerk of the Legislature

CERTIFICATION

I, Vincent D. Brown, Clerk of the Legislature, hereby certify that the foregoing is a true and correct copy of the Legislative Journal of the Eighty-fourth Legislature, First Special Session of the State of Nebraska, convened and held in the City of Lincoln, State of Nebraska, October 22, 1975 to November 11, 1975.

(Signed) Vincent D. Brown
Clerk of the Legislature

RECEIVED AFTER ADJOURNMENT

The Executive Office
November 14, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 3, 4, 5, and 6.

These bills were signed by me on November 14, 1975 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

cc: The Honorable Allen Beermann



**LEGISLATIVE BILLS ENACTED
INTO LAW**

Eighty-fourth Legislature, First Special Session 1975

- 3 Burbach, at req. of Gov. Monthly state aid and reimbursement payments to local governments, State Treasurer duties.
- 4 Burbach, at req. of Gov. Standard for setting 1976 tax rates.
- 5 Burbach, at req. of Gov. Appropriation for payment of Special Session expenses.
- 6 Burbach, at req. of Gov. General Fund obligations reduction.

LEGISLATIVE BILLS

By Original Introdurers*

BURBACH, AT REQUEST OF GOVERNOR

- 3 Monthly state aid and reimbursement payments to local governments, State Treasurer duties.
- 4 Standard for setting 1976 tax rates.
- 5 Appropriation for payment of Special Session expenses.
- 6 General fund obligations reduction.

F. LEWIS

- 1 Increase income tax rate to 13%.
- 2 Provide that Legislature shall determine income and sales tax rates.

SCHMIT

- 7 Appropriation for acquisition of John F. Kennedy College as veteran-care facility.

* See also, Chronology of Bills, page 126.

NEBRASKA STATE LEGISLATURE

Eighty-Fourth Legislature, First Special Session

Summary

Total Number of Bills Introduced7
 Total Number of Resolutions Introduced4

The following table shows the final disposition of each Bill and Resolution.

Approved by the Governor, 4:

3 4 5 6

Introduced, neither referred or printed, 3: *

1 2 7

Resolutions Adopted, 4:

LR1 LR2 LR3 LR4

Total Bills to Become Law4

*Legislative Bills 1, 2, and 7 were not referred to a committee and were not printed for distribution. The original bills are on file in the Secretary of State's office.

CHRONOLOGY OF BILLS

EIGHTY-FOURTH LEGISLATURE
FIRST SPECIAL SESSION 1975

LEGISLATIVE BILL 1 By F. Lewis

Oct. 22	Read first time	18
Oct. 22	Motion. Consider only Governor bills	20

LEGISLATIVE BILL 2 By F. Lewis

Oct. 22	Read first time	18
Oct. 22	Motion. Consider only Governor bills	20

LEGISLATIVE BILL 3 By Burbach, at request of Governor

Oct. 22	Read first time	18
Oct. 22	Motion. Consider only Governor bills	20
Oct. 22	Referred to Committee on Appropriations. Notice of hearing	21
Nov. 3	Placed on General File	24
Nov. 4	Motion. Motion lost	46
Nov. 4	Referred for review	47
Nov. 5	Placed on Select File	53
Nov. 5	Change of order. Clark amendments adopted. Referred for engrossment	55
Nov. 5	Replaced on Select File	63
Nov. 5	Referred for engrossment. Motion. Motion lost	64
Nov. 7	Correctly engrossed	89
Nov. 11	Rules suspended. Motion. Motion lost. Final Reading	110
Nov. 11	Correctly enrolled. President signed. Explanation of vote	116
Nov. 11	Presented to Governor	117
Nov. 17	Message from Secretary of State	121
Nov. 17	Approved by Governor	121

LEGISLATIVE BILL 4 By Burbach, at request of Governor

Oct. 22	Read first time	18
Oct. 22	Motion. Consider only Governor bills	20
Oct. 22	Referred to Committee on Revenue. Notice of hearing	21
Nov. 3	Placed on General File	29
Nov. 4	Burrows and F. Lewis amendments lost. George and Burbach amendments adopted. F. Lewis amendments pending	40
Nov. 4	Motion to bracket lost. F. Lewis pending amendments withdrawn. Cavanaugh amendments lost	45
Nov. 4	Referred for review. Motion. Motion lost	46
Nov. 5	Placed on Select File	53
Nov. 5	Motion to bracket lost. Keyes amendment lost. F. Lewis amendment ruled reconsideration	60
Nov. 5	F. Lewis and Cavanaugh amendments lost. Referred for engrossment.	62
Nov. 6	Motion. Motion lost	82
Nov. 6	Motion. Motion prevailed. Carsten amendment adopted. Referred for engrossment. Motion. Motion lost	85
Nov. 6	Motions. Motions lost	86
Nov. 6	Motion. Motion lost	87
Nov. 7	Correctly engrossed	89
Nov. 10	Rules suspended	110
Nov. 11	Motions. Motions lost	111
Nov. 11	Final Reading	112
Nov. 11	Correctly enrolled. President signed. Explanation of vote	116
Nov. 11	Presented to Governor	117
Nov. 17	Message from Secretary of State	121
Nov. 17	Approved by Governor	121

LEGISLATIVE BILL 5 By Burbach, at request of Governor

Oct. 22	Read first time	19
Oct. 22	Motion. Consider only Governor bills	20
Oct. 22	Placed on General File	21

Nov. 3	Referred for review	30
Nov. 4	Placed on Select File.	
	Request. Objection	44
Nov. 4	Bracketed	47
Nov. 6	Unbracketed. Referred for engrossment	85
Nov. 7	Correctly engrossed	89
Nov. 11	Rules suspended	110
Nov. 11	Change of order	113
Nov. 11	Final Reading	115
Nov. 11	Correctly enrolled. President signed. Explanation of vote	116
Nov. 11	Presented to Governor	117
Nov. 17	Message from Secretary of State	121
Nov. 17	Approved by Governor	121

LEGISLATIVE BILL 6 By Burbach, at request of Governor

Oct. 22	Read first time	19
Oct. 22	Motion. Consider only Governor bills	20
Oct. 22	Referred to Committee on Appropriations. Notice of hearing	21
Nov. 3	Placed on General File	24
Nov. 3	Duis amendment withdrawn. Motion to bracket lost	30
Nov. 3	Marvel amendments adopted. George amendments lost. Bracketed	33
Nov. 4	Motion. Motion lost	46
Nov. 4	Unbracketed. Schmit amendment pending. Stull, Luedtke, Mahoney & F. Lewis amendments adopted	47
Nov. 4	Explanation of vote	48
Nov. 5	Schmit amendment renewed. Johnson, F. Lewis, Cavanaugh & Chambers amendments adopted. Mahoney amendment lost. Schmit amendment lost as amended. Motion. Motion lost. Referred for review	51
Nov. 6	Placed on Select File	69
Nov. 6	Barnett amendment lost. Marvel & Clark amendments adopted. Warner amendment laid over. Goodrich amendment ruled reconsideration. Schmit amendment reconsidered. Request to divide Schmit amendment pending	70

CHRONOLOGY OF BILLS

129

Nov. 6	Chair overruled. Schmit amendment adopted as amended	75
Nov. 6	Warner amendment renewed. Cavanaugh amendment lost. Cavanaugh amendment adopted. Cavanaugh amendment reconsidered. Cavanaugh amendment lost. Cavanaugh amendments adopted. Warner amendment as amended adopted. Schmit & Burrows amendments adopted. Motions to reconsider lost. Referred for engrossment	76
Nov. 6	Attorney General Opinion	79
Nov. 7	Replaced on Select File	98
Nov. 7	Referred for engrossment. Correctly engrossed	100
Nov. 11	Rules suspended	110
Nov. 11	Change of order. Motion. Motion lost	113
Nov. 11	Final Reading	114
Nov. 11	Correctly enrolled. President signed. Explanation of vote	116
Nov. 11	Presented to Governor	117
Nov. 17	Message from Secretary of State	121
Nov. 17	Approved by Governor	121

LEGISLATIVE BILL 7 By Schmit

Oct. 22	Read first time	21
Oct. 22	Motion. Consider only Governor bills	20

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